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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 751, FOOD AND DRUGS ACT.

MISBRANDING OF OLIVE OIL.

On or about March 4, 1910, Farrington & Whitney, a corporation, New York City, shipped from the State of New York into the State of Texas a quantity of olive oil labeled "½ American gallon Finest Lucca Oil." Samples from this shipment were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Farrington & Whitney, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said Farrington & Whitney, Incorporated, charging the above shipment and alleging that the product so shipped was misbranded in that the label of said product was false and misleading and was labeled as aforesaid, so as to deceive and mislead the purchaser; in that said label indicated that the contents of the can contained one-half American gallon, whereas, in truth and in fact, it was 8.8 per cent short in volume.

On November 7, 1910, the defendant entered a plea of guilty to the above information and the court suspended sentence.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 2, 1911.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 752, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF OATS.

On or about January 22, 1910, the Pendleton Grain Company, a corporation, St. Louis, Mo., shipped from the State of Missouri into the State of Louisiana a consignment of oats invoiced and sold as "No. 3 white oats." An examination, made by the Bureau of Chemistry, United States Department of Agriculture, of a sample of this product taken from the aforesaid shipment disclosed, in 25 grammes of the product, the following ingredients, to wit: Oats 18.4 gm=73.6 per cent, barley 2.1 gm=8.4 per cent. miscellaneous weed seeds and chaff 4.5 gm=18 per cent. As the above examination and report made showed that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Pendleton Grain Company, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Missouri against the said Pendleton Grain Company, Incorporated, charging the above shipment and alleging that the product so shipped was adulterated in that it consisted of a mixture of 73.6 per cent oats, 8.4 per cent barley, and 18 per cent of miscellaneous weed seeds and chaff, and that it was not No. 3 white oats; that said product had been mixed and packed with barley seed and miscellaneous weed seeds and chaff so as to reduce and lower and injuriously affect its quality; in that barley seed and miscellaneous weed seeds and chaff had been substituted in part for the article for which said product was sold, viz, No. 3 white oats; and that the product was misbranded in that it was not "No. 3 white oats," as represented, but consisted of a mixture of oats, barley, weed seeds, and chaff, and that it was an

imitation of and offered for sale under the distinctive name of another article, to wit, "No. 3 white oats."

On November 21, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$20 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 3, 1911.*

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 753, FOOD AND DRUGS ACT.

ADULTERATION OF MILK.

On or about July 26, 1910, Thomas E. Knott, Boyds, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of alleged milk. An analysis made under the direction of Dr. William C. Woodward, health officer of the District of Columbia, acting by authority of the Secretary of Agriculture, of a sample of said product showed that it contained less than 3.25 per cent butter fat. As the findings of the analyst and report made indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Thomas E. Knott was afforded an opportunity for hearing. As it appeared after hearing held that the sale was in violation of said act, the said health officer reported the facts to the United States attorney for the District of Columbia.

In due course a criminal information was filed against the said Thomas E. Knott in the Police Court of the District of Columbia, charging the above sale and alleging that the milk in question was adulterated in that a valuable constituent (butter fat) had been abstracted and left out in whole or in part.

On December 5, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$10.

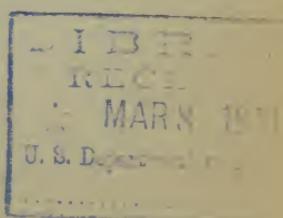
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 3, 1911.

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79240°—No. 753—11



United States Department of Agriculture,
OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 754, FOOD AND DRUGS ACT.

**ADULTERATION OF BELLADONNA ROOT, POWDERED HENBANE,
POWDERED GENTIAN ROOT, AND POWDERED CLOVES-AMBOYNA.**

On or about April 3, 1908, J. L. Hopkins & Co., a corporation, shipped from the State of New York into the State of New Jersey a consignment of the following products, labeled, respectively: "Belladonna Root, powdered Atropia, U. S. P. Mfg. by J. L. Hopkins & Co., N. Y., Serial No. 3236"; "Powdered Henbane, U. S. P. Mfg. By J. L. Hopkins & Co., N. Y., Serial No. 3236"; "Powdered Gentian Root, U. S. P., Mfg. by J. L. Hopkins & Co., N. Y., Serial No. 3236"; Powdered Cloves-Amboyna, Mfg. by J. L. Hopkins & Co., N. Y., Serial No. 3236." Samples of the products were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the products were adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said J. L. Hopkins & Co. and the dealer from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, together with the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York, charging the above shipment, and alleging that the first of the products above mentioned, to wit, belladonna root, was adulterated in that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of strength and purity, as determined by the tests laid down in the United States Pharmacopœia official at the time of the investigation, which does not provide that ground olive pits should be one of the ingredients of belladonna root, whereas in fact the said drug consisted of ground olive pits in the proportion of about one-half. Said information further charged that the powdered henbane was adulterated in that it was sold under a name recognized in the United States Pharmacopœia and differed from the standards of strength, quality, and purity as determined by the tests laid down in the United States Pharmacopœia official at the time of the investigation, because said drug contained *Hyoscyamus muticus*, a dangerous adulterant. Said information further charged that the powdered gentian root was adulterated in that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of

strength, quality, and purity as determined by the tests laid down in the United States Pharmacopœia official at the time of the investigation because said drug contained an unknown ground fiber which does not belong to gentian and which is not one of the ingredients of gentian. Said information further charged that the powdered cloves-amboyna was adulterated in that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the United States Pharmacopœia official at the time of the investigation because it contained from one-third to one-half clove stalks, which is not provided for by the standard in said United States Pharmacopœia.

On December 13, 1910, J. L. Hopkins & Co. entered a plea of guilty to the above information, whereupon the court imposed a fine of \$400 and filed the following memorandum:

1st Count. Defendant's statement does not deny an adulteration by powdered olive stones. The only explanation given is that the adulterant may have gotten into the finished product by the packing thereof in containers which at some previous time had contained "olive stone meal." It seems to me that this is a far-fetched explanation.

2nd Count. It is not denied that the powdered henbane sold by defendants contained *Hyoscyamus muticus*. The excuse practically is that down to the time of complaint by the governmental officials, the defendants did not know anything at all about the *muticus* variety of henbane; yet it is shown by the government analysis that what is known in the Pharmacopœia as henbane never contains more than one fifth of 1% of alkaloid, while the *muticus* contains from 6 to 15 times as much alkaloid, and of not exactly the same nature. To me it would appear that this ignorance in the face of repeated "assays" is scarcely believable.

3rd Count. Powdered gentian root. This article seems to have been imported in the condition in which it was sold and to have passed the customs and presumably a government analysis. The accusation is that it contains "a certain unknown ground fibre which does not belong to gentian." I am unable to see anything serious in this accusation.

4th Count. Powdered cloves. I understand the defendant's statement to amount to this: That the cloves in question were made from "a good commercial article of cloves as purchased by us in the New York market and ground by us for the trade." Admittedly some stems are found even in medical preparations of cloves. The accusation here is that there was too much stem as evidenced by the stone cells found in the powdered medicament. The Government chemist asserts that the Government by its regulations permits the presence in cloves of "5% of the stalks," which percentage is greatly exceeded in the specimen submitted. It appears to me that the presence of a substantially greater percentage than 5% of ground stalk in the article sold was discoverable and should have been discovered. I do not think that it is an excuse to say that a good commercial article was bought, ground, and sold for medicine.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. Hays,

Acting Secretary of Agriculture.

WASHINGTON D. C., February 4, 1911.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 755, FOOD AND DRUGS ACT.

MISBRANDING OF COTTONSEED MEAL.

On or about May 8, 1909, the Tennessee Fibre Company, a corporation, Memphis, Tenn., shipped from the State of Tennessee into the State of North Carolina a consignment of cottonseed meal labeled as follows: "100 lbs. Creamo Brand Feed Meal. Manufactured by Tennessee Fibre Co., Memphis, Tenn. Guaranteed analysis; Protein 22%, Fat 5%, Crude Fibre 28%, 1909." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain moisture 7.79 per cent, ether extract 4.69 per cent, protein 18.73 per cent, and crude fibre 25.04 per cent. As the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Tennessee Fibre Company, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

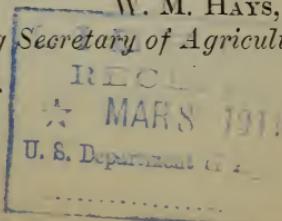
In due course a criminal information was filed in the Circuit Court of the United States for the Western District of Tennessee against the said Tennessee Fibre Company, Incorporated, charging the above shipment and alleging that the product so shipped was misbranded in that the labels thereon represented that the said cottonseed meal contained 22 per cent protein, whereas in truth and in fact the product did not contain more than 18.73 per cent protein.

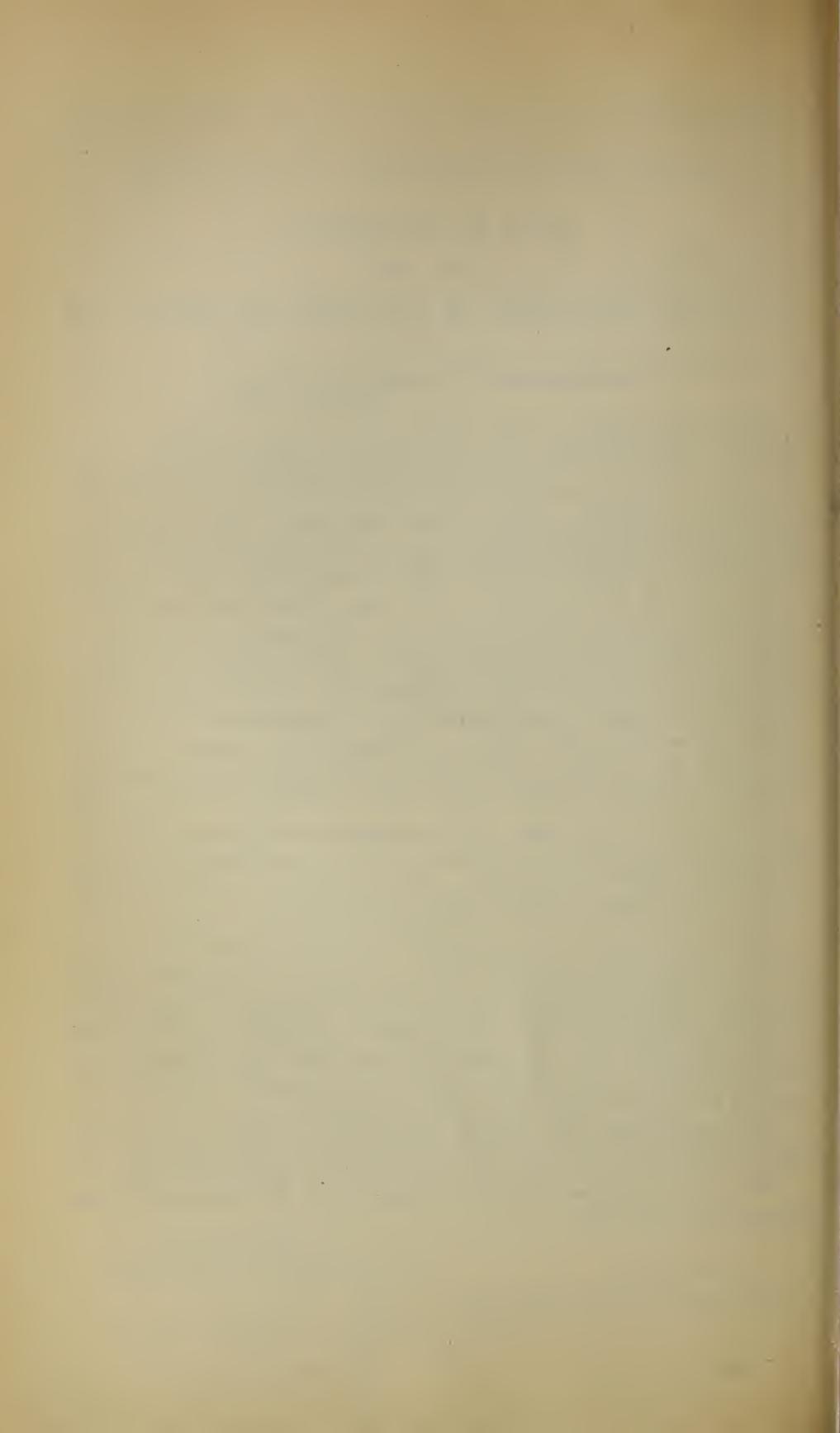
On November 30, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 4, 1911.





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 756, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF COTTONSEED MEAL.

On or about April 6, 1909, the J. Lindsay Wells Company, a corporation, Memphis, Tenn., shipped from the State of Tennessee into the State of North Carolina a consignment of cottonseed meal labeled as follows: "Sunny South Brand Cotton Seed Meal for Stock Feed only. Manufactured by J. Lindsay Wells Co., Memphis, Tenn. Sacks 100 lbs. each. Guaranteed Analysis: Protein (6.25 times nitrogen) 25.00 (Equivalent to Ammonia 4.50 per cent) Starch & Sugar 15.00, Fat 5.00, Crude Fiber 28.00. This meal is made from decorticated Cotton Seed." Samples from this shipment were procured, analyzed, and examined microscopically by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain moisture 9.31 per cent, ether extract 4.50 per cent, protein 19.57 per cent, crude fiber 22.72 per cent, reducing sugar 0.07 per cent, sucrose 2.60 per cent, starch 1.36 per cent (sugars and starch 4.03 per cent), and about 50 per cent hulls. As the above analysis and report thereon showed that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said J. Lindsay Wells Company, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Western District of Tennessee against the said J. Lindsay Wells Company, Incorporated, charging the above shipment and alleging that the product so shipped was adulterated in that a large quantity of cottonseed hulls had been mixed with the said cottonseed meal so as to reduce, lower, and injuriously affect its quality and strength, and in that the said cottonseed hulls had been substituted in part for the said cottonseed meal. The information also alleged that the product was misbranded in that the label thereon represented that it contained 25 per cent pro-

tein, whereas in truth and in fact said product did not contain more than 20 per cent protein.

On December 3, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 6, 1911.*



United States Department of Agriculture, OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 757, FOOD AND DRUGS ACT.

MISBRANDING OF COTTONSEED MEAL.

On or about January 4, 1910, the J. Lindsay Wells Company, a corporation, Memphis, Tenn., shipped from the State of Tennessee into the State of Indiana a consignment of cottonseed meal labeled as follows: "100 lbs. J. Lindsay Wells Co., Memphis, Tenn., Guarantees this Sunny South Brand Cotton Seed Feed Meal to contain not less than 5 per cent of crude fat, 25 per cent crude protein, and to be compounded from the following ingredients: Cotton seed meal and cotton seed hulls." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain moisture 10.15 per cent, ether extract 4.26 per cent, and protein 24.01 per cent. As it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said J. Lindsay Wells Company, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence on which to base a prosecution.

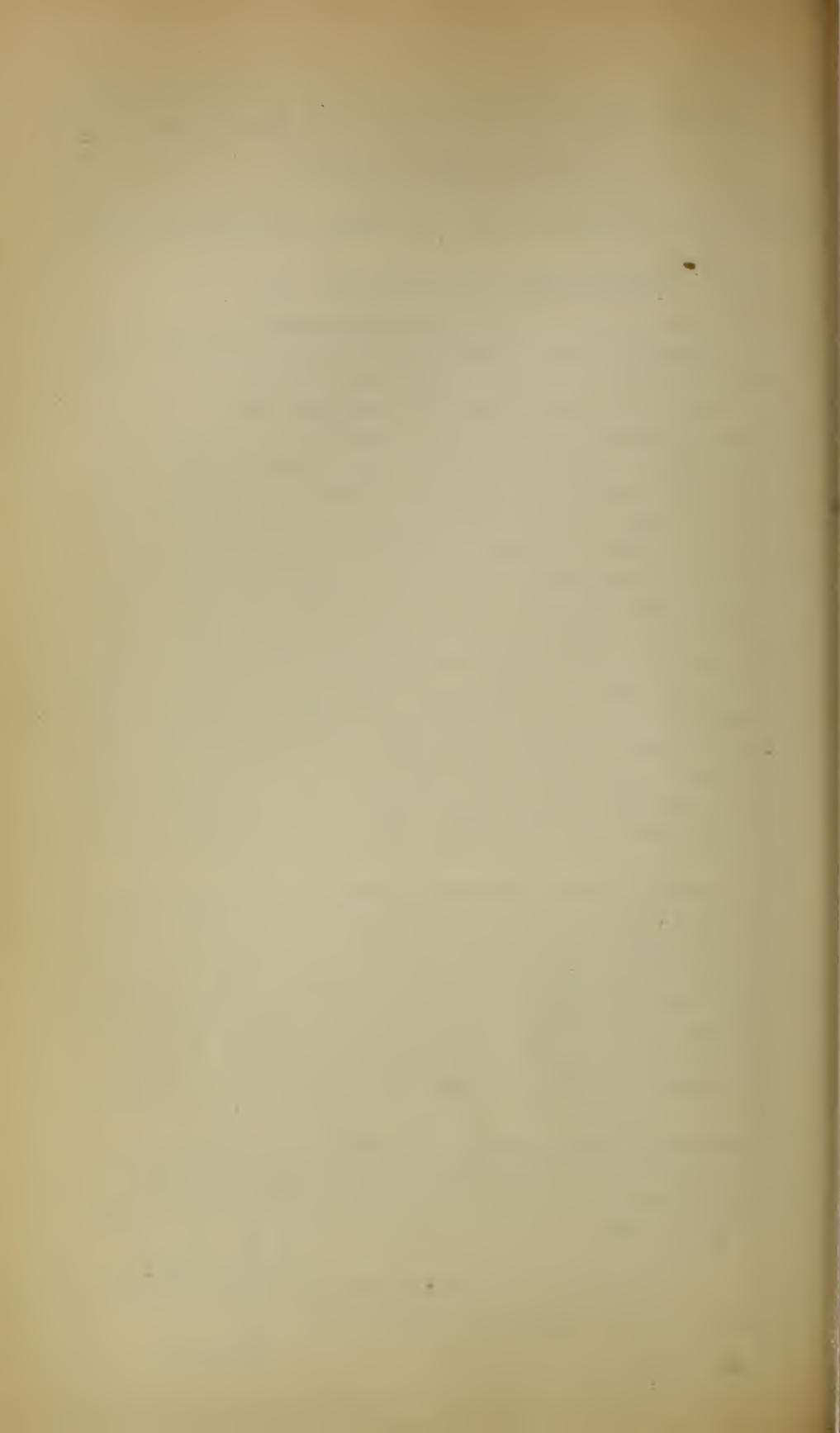
In due course a criminal information was filed in the Circuit Court of the United States for the Western District of Tennessee against the said J. Lindsay Wells Company, Incorporated, charging the above shipment and alleging that the product so shipped was misbranded in that the label thereon represented that the said cottonseed meal contained not less than 5 per cent of crude fat and not less than 25 per cent of crude protein, whereas in truth and in fact said product did not contain 5 per cent of crude fat nor 25 per cent of crude protein.

On December 3, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

RECEIVED
W. M. HAYS
MARS 1911
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 6, 1911.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 758, FOOD AND DRUGS ACT.

MISBRANDING OF COTTONSEED MEAL.

On or about October 20, 1909, the J. Lindsay Wells Company, a corporation, Memphis, Tenn., shipped from the State of Tennessee into the State of Indiana a consignment of cottonseed meal labeled as follows: "J. Lindsay Wells Co., Memphis, Tenn. Star Brand Choice Finely Ground Cotton-seed Meal. Guar. Analysis: Ammonia not under 8%, Nitrogen not under 6½%, Protein not under 41%, Oil and Fat not under 9%, Crude Fiber 7%. J. Lindsay Wells Co., Memphis, Tenn., guarantees this Star Brand Cotton-seed Meal to contain not less than 9% of Crude Fat, 41% of Protein, and to be compounded from the following ingredients: Cotton-seed Product . . ." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain 9.87 per cent moisture, 6.98 per cent ether extract, 39.88 per cent protein, and 11.05 per cent crude fiber. As it appeared from the above analysis and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said J. Lindsay Wells Company, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Western District of Tennessee against the said J. Lindsay Wells Company, Incorporated, charging the above shipment and alleging that the product so shipped was misbranded in that the label thereon represented that the said cottonseed meal contained not less than 9 per cent of crude fat and not more than 7 per cent of crude fiber, whereas in truth and in fact the said product did not contain 9 per cent of crude fat and did contain more than 7 per cent of crude fiber.

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On December 3, 1910, the defendant pleaded guilty to the above information and the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 7, 1911.*

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United States Department of Agriculture, OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 759, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF OATS.

On or about February 25, 1909, the J. B. Edgar Grain Company, a corporation, Memphis, Tenn., shipped from the State of Tennessee into the State of Georgia a consignment of oats invoiced and sold as No. 2 white oats. Samples from this shipment were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to consist of oats 85 per cent, barley 7 per cent, wheat 1 per cent, chaff and weed seeds 7 per cent. As it appeared from the above examination and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said J. B. Edgar Grain Company, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Western District of Tennessee against the said J. B. Edgar Grain Company, Incorporated, charging the above shipment and alleging that the product so shipped was adulterated in that barley, wheat, chaff, and miscellaneous weed seeds to the extent of 15 per cent had been mixed and packed with the said No. 2 white oats, and in that barley, wheat, chaff, and miscellaneous weed seeds had been substituted in part for the article. The information also alleged that the product was misbranded in that it was offered for sale under the distinctive name of No. 2 white oats, whereas in truth and in fact the said product was not No. 2 white oats, but a mixture of which there was 85 per cent of oats and 15 per cent of foreign substances, consisting of barley, wheat, chaff, and miscellaneous weed seeds.

On December 3, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

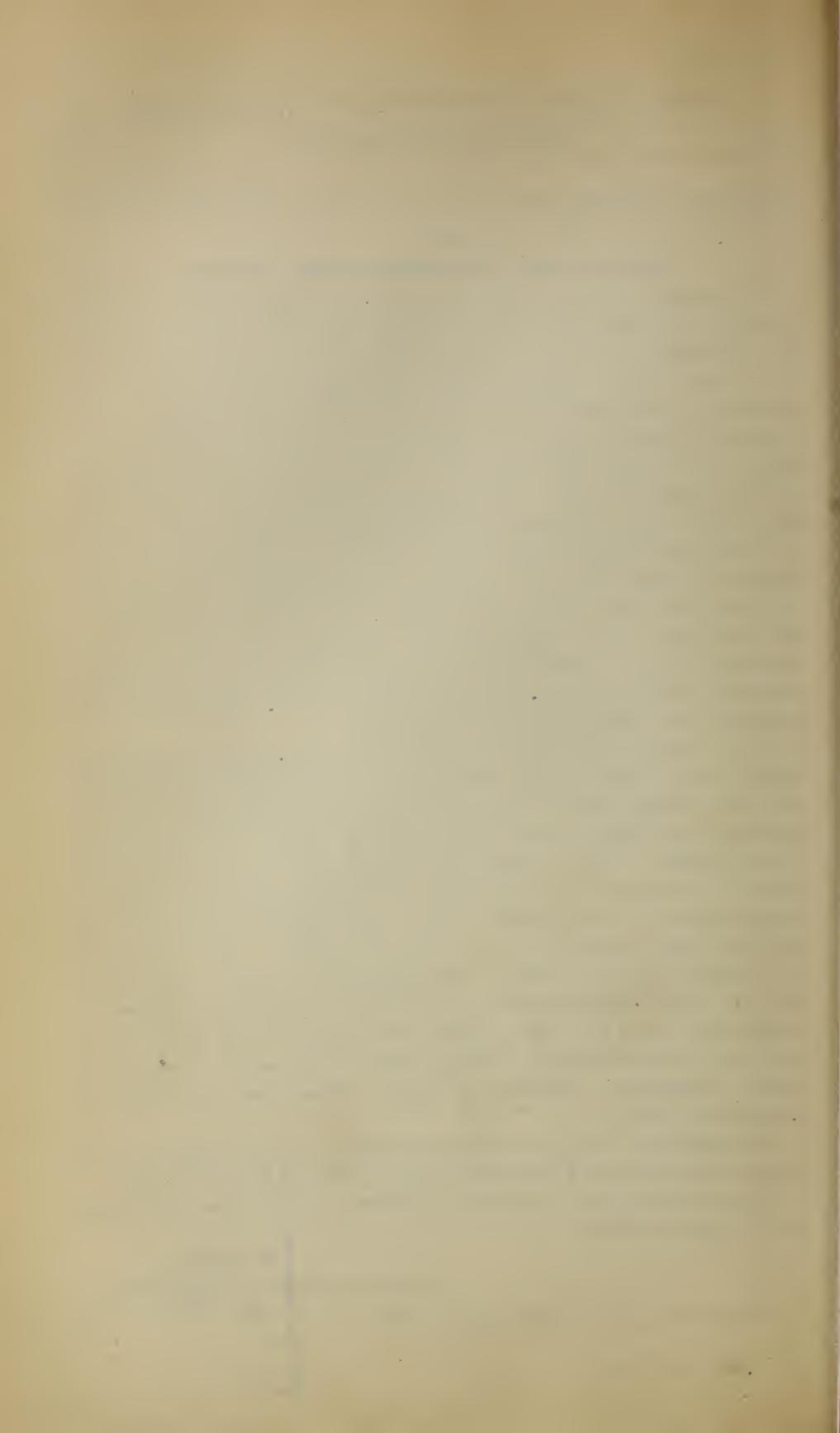
WASHINGTON, D. C., February 7, 1911.

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W. M. HAYS,
Acting Secretary of Agriculture.

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 760, FOOD AND DRUGS ACT.

ADULTERATION OF TOMATO CATSUP.

On or about September 19, 1910, A. C. Soper & Co., Farmingdale, N. J., shipped from the State of New Jersey into the State of New York two barrels of tomato catsup labeled as follows: "L. C. Soper and Company—Long Island Brand Ketchup—Made from tomato pulp, spices, flour, salt—Preserved with approximately $\frac{1}{5}$ of 1% Benzoate of Soda. New York." An examination made by the Bureau of Chemistry, United States Department of Agriculture, of samples taken from the above shipment showed the product to contain 180,000,000 bacteria per cubic centimeter, 107 yeast and spores per one-sixtieth cubic millimeter, and mold filaments in 75 per cent of the microscopic fields examined. As it appeared from the above examination and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of New York.

In due course a libel was filed against the said two barrels of catsup in the District Court of the United States for said district charging the above shipment and alleging that the product so shipped was adulterated within the meaning of the act in that said catsup consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, and praying seizure and condemnation of the product.

On November 30, 1910, the case came on for hearing and no claimant to the product having appeared and no answer having been filed, the court being fully informed in the premises issued its decree condemning and forfeiting the said two barrels of catsup to the use of the United States for the causes set forth in the above libel, and ordering the destruction thereof by the marshal of said district.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

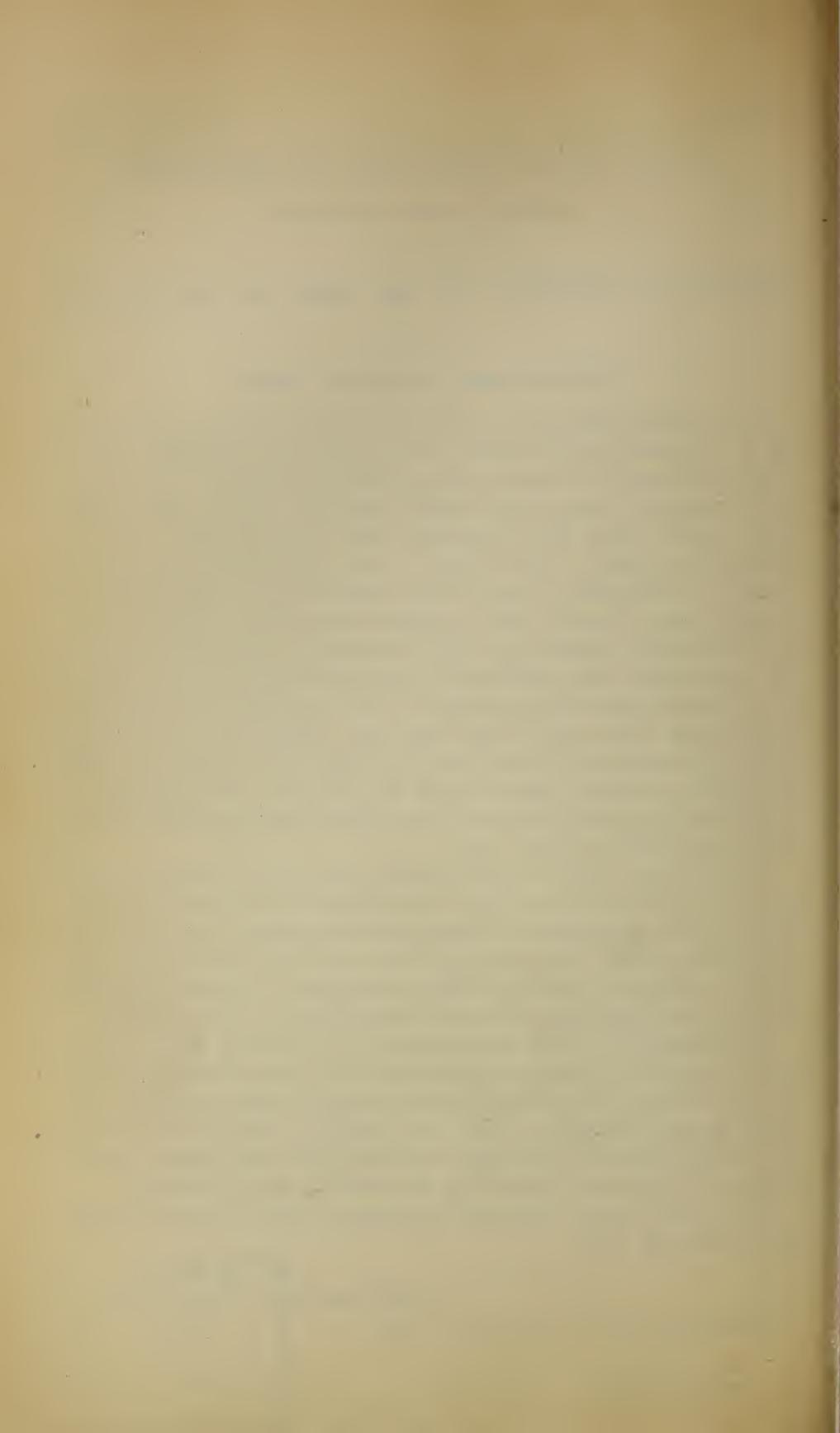
W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., February 7, 1911.

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U. S. Department of Agriculture



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 761, FOOD AND DRUGS ACT.

ADULTERATION OF CATSUP.

On or about October 26, 1910, A. C. Soper & Co., Farmingdale, N. J., shipped from the State of New Jersey into the State of New York two barrels of catsup. An examination made by the Bureau of Chemistry, United States Department of Agriculture, of samples taken from the above shipment showed the product to contain 173,000,000 bacteria per cubic centimeter, 105 yeast and spores per one-sixtieth cubic millimeter, and mold filaments in 79 per cent of the microscopic fields examined. As it appeared from the above examination and report made that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of New York.

In due course a libel was filed in the District Court of the United States for said district against the said two barrels of catsup, charging the above shipment and alleging that the product was adulterated in that it was in whole or in part filthy, putrid, and decomposed, and praying seizure and condemnation of the product.

On December 1, 1910, the case came on for hearing and no claimant to the product having appeared and no answer having been filed and the court being fully informed in the premises, issued its decree condemning and forfeiting said two barrels of catsup to the use of the United States for the cause set forth in the said libel and ordering its destruction by the marshal of said district.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

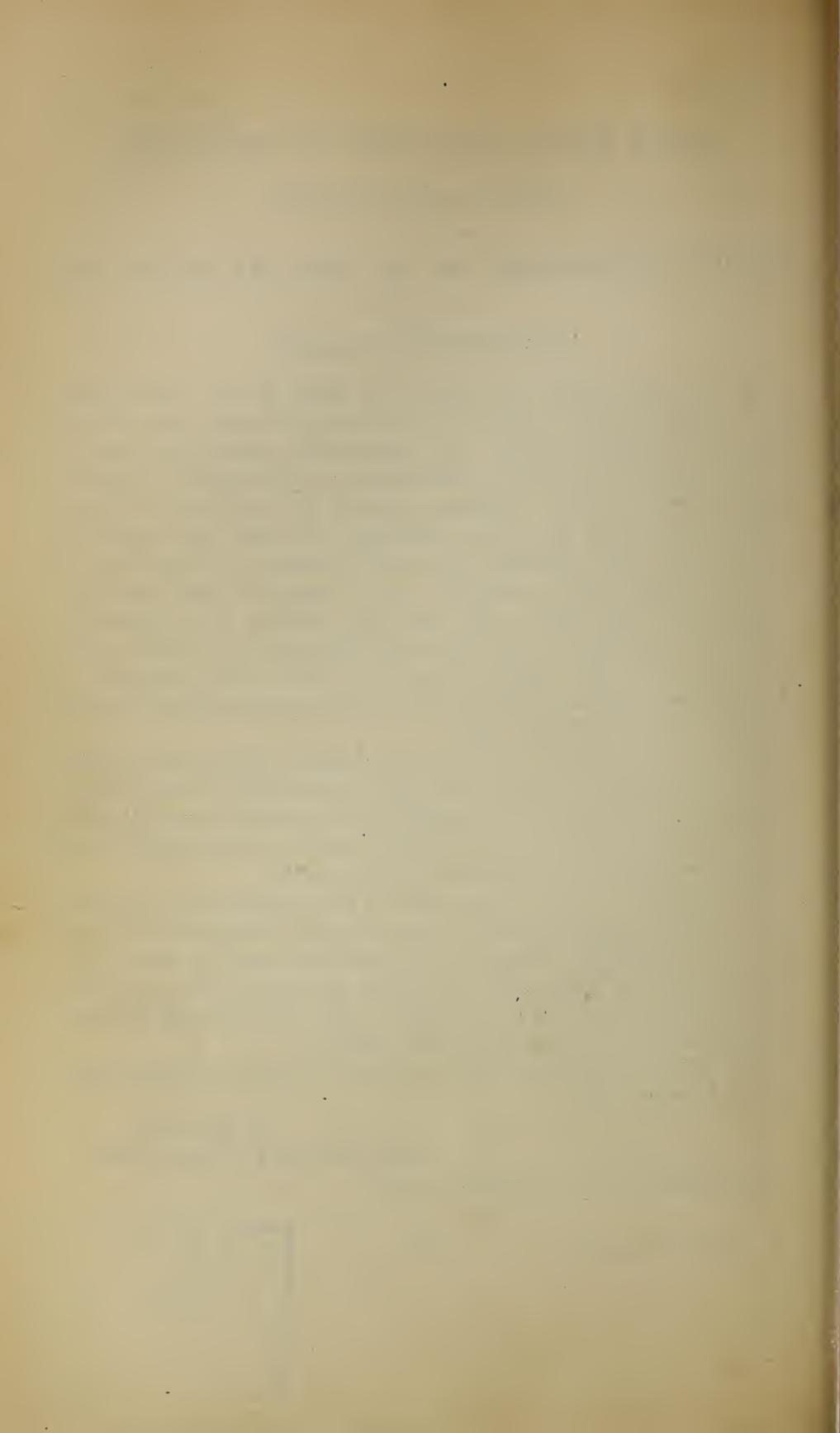
Acting Secretary of Agriculture.

WASHINGTON, D. C., January 8, 1911.

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 762, FOOD AND DRUGS ACT.

ADULTERATION OF TOMATO PASTE.

On or about November 3, 1910, the Pietro Roncoroni Company, New York City, shipped from the State of New Jersey into the State of New York 200 cases of tomato paste in cans, said cases being labeled: "5 lb. Rossa Lamigliore Conserva di Tomate Marca P R—Packed by Pietro Roncoroni Company," and said cans being labeled "Tomato Paste Conserva di Tomate Rossa P R—This article is guaranteed to be made from the best quality of red ripe tomatoes and to contain no artificial coloring—Packed in New Jersey by Pietro Roncoroni—Office Vesey St., New York, U. S. A." An examination made by the Bureau of Chemistry, United States Department of Agriculture, of samples taken from this shipment showed the product to contain 1,000,000,000 bacteria per gram, 380 yeasts and spores per one-sixtieth milligram, mold filaments in 76 per cent of the microscopic fields examined, and many pieces of decayed tissue visible to the naked eye. As it appeared from the above examination and report made that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of New York.

In due course a libel was filed in the District Court of the United States for the said district against the said 200 cases of tomato paste charging the above shipment and alleging that the product was adulterated within the meaning of the act in that it was in whole or in part filthy, putrid, or decomposed, and praying seizure and condemnation of the product.

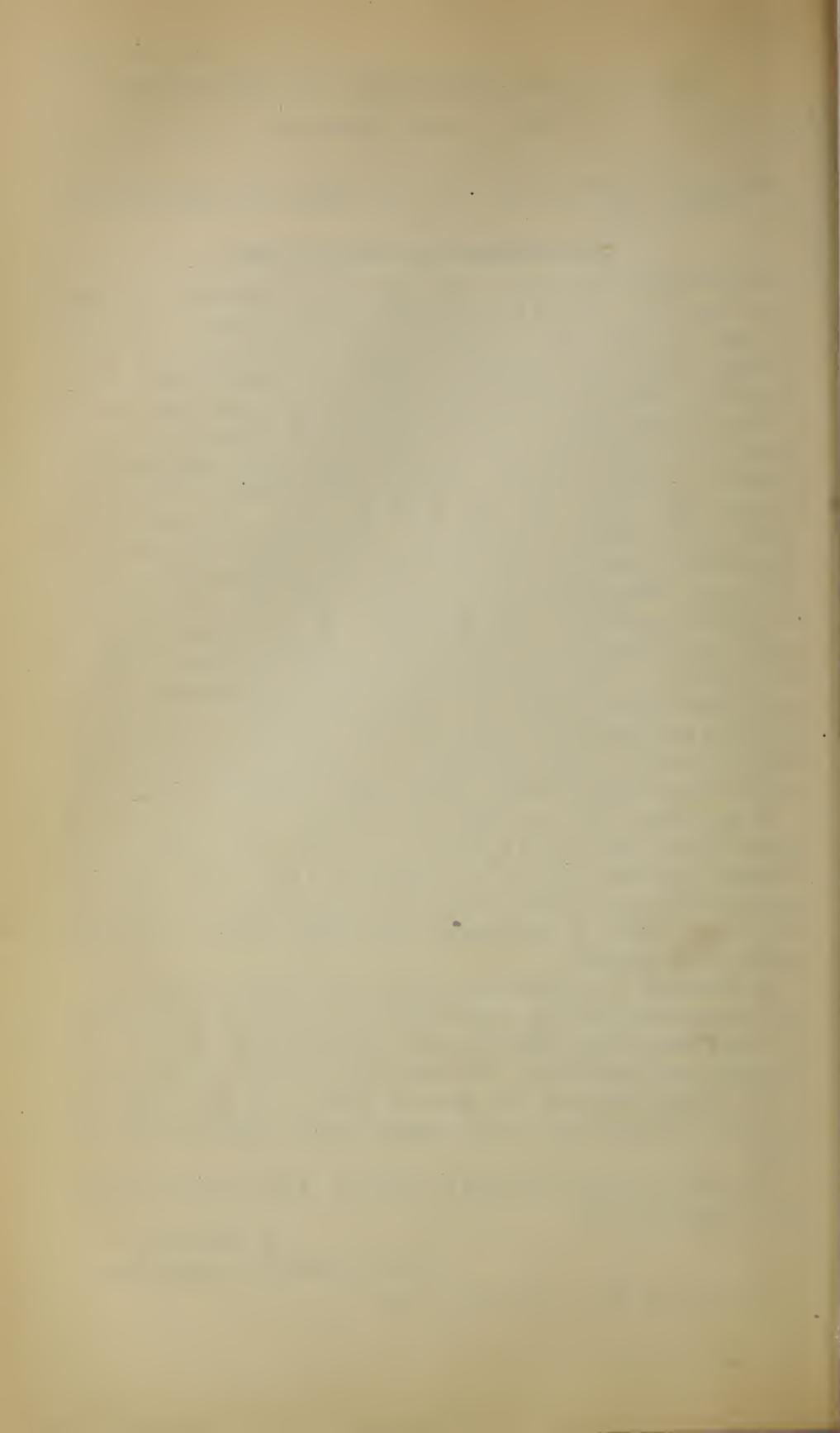
On December 1, 1910, the cause came on for hearing and no claimant to the product having appeared and no answer having been filed, the court being fully informed in the premises issued its decree condemning and forfeiting the said 200 cases of tomato paste to the use of the United States for the cause set forth in the above libel and ordering the destruction of said product by the marshal of said district.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 8, 1911.





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 763, FOOD AND DRUGS ACT.

ADULTERATION OF TOMATO CATSUP.

On or about October 26, 1910, R. C. Chance's Sons, Mount Holly, N. J., shipped from the State of New Jersey into the State of New York ten barrels of tomato catsup, three of which barrels were labeled: "Bon Ton Catsup—Compound of Tomato Pulp, Saccharine and Spices—Preserved with Benzoate of Sodium—Manufactured by R. C. Chance's Sons, Mount Holly, N. J.—Preserved with about $\frac{1}{3}$ of 1% Benzoate of Sodium—Trace of Coal Tar Coloring," and seven of which were labeled: "Spiced Catsup—Compound of Tomato Pulp, Saccharine and Spices—Preserved with Benzoate of Sodium—Manufactured by R. C. Chance's Sons, Mt. Holly, N. J.—Preserved with about $\frac{1}{3}$ of 1% Benzoate of Sodium—Trace of Coal Tar Coloring." An examination made by the Bureau of Chemistry, United States Department of Agriculture, of samples taken from the above shipment showed the product contained in the three barrels above referred to to contain 177,000,000 bacteria per cubic centimeter, 85 yeasts and spores per one-sixtieth cubic millimeter, and mold filaments in 81 per cent of the microscopic fields examined, and the product contained in the seven barrels above referred to to contain 216,000,000 bacteria per cubic centimeter, 70 yeasts and spores per one-sixtieth cubic millimeter, and mold filaments in 82 per cent of the microscopic fields examined. As it appeared from the above examinations and reports made that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of New York.

In due course a libel was filed in the District Court of the United States for said district against the said ten barrels of catsup, charging the above shipment and alleging that the product so shipped was adulterated in that it was artificially colored in such a manner that the inferiority and damage of the said catsup was concealed and in that it consisted in whole or in part of a filthy, putrid, and decomposed substance, and praying seizure and condemnation of the product.

On November 30, 1910, the cause came on for hearing and no claimant to the product having appeared and no answer having been filed, the court being fully informed in the premises issued its decree condemning and forfeiting the said ten barrels of catsup to the use of the United States for the causes set forth in the above libel and ordering the destruction thereof by the marshal for said district.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 9, 1911.*

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United States Department of Agriculture,

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NOTICE OF JUDGMENT NO. 764, FOOD AND DRUGS ACT.

MISBRANDING OF EXTRACT OF WINTERGREEN.

On or about January 31 and July 19, 1910, William McMurray, St. Paul, Minn., shipped from the State of Minnesota into the State of Michigan quantities of extract of wintergreen in bottles labeled, respectively; "1 oz. Net Weight McMurray's Country Club Brand Extract of True Wintergreen. Natural Fruit Flavor of Perfect Purity. Manufactured by Wm. McMurray & Co., Minneapolis & St. Paul," and "One Ounce Full Measure McMurray's Country Club Brand Wintergreen Extract. Manufactured by Wm. McMurray & Co., Minneapolis-St. Paul." Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said William McMurray and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the District of Minnesota against the said William McMurray, charging the above shipments and alleging that the product contained in the shipment of January 31, 1910, was misbranded in that said product was labeled as above, whereby the contents of each of said bottles were stated in terms of weight to be one ounce, whereas such contents were not correctly stated on the outside of said bottles, the contents of each of said bottles in fact being not more than 0.95 of one ounce in weight. The information also alleged that the product contained in the aforesaid shipment of July 19, 1910, was misbranded in that said product was labeled as aforesaid whereby the contents of each of said bottles were stated in terms of weight to be one ounce whereas such contents were not correctly

stated on the outside of said bottles, the contents of each of said bottles in fact being not more than 0.874 of one ounce in weight.

On December 7, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 9, 1911.*





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 765, FOOD AND DRUGS ACT.

ADULTERATION OF MINCEMEAT.

On or about October 6, 1910, W. H. Brenneman, Harrisburg, Pa., shipped from the State of Pennsylvania into the State of New York a consignment of 3,965 pounds of mincemeat in barrels and in pails, each of said barrels and pails being labeled as follows: "Hertzler's Celebrated Mince Meat. Manufactured by W. H. Brenneman, 12th and Hamilton Sts., Harrisburg, Pa." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain 0.06 of 1 per cent of salicylic acid. As the above analysis and report thereon showed that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of New York.

In due course a libel was filed in the District Court of the United States for said district against the said 3,965 pounds of mincemeat, charging the above shipment and alleging that the product so shipped was adulterated in that it contained an added deleterious ingredient, to wit, salicylic acid, which rendered said article injurious to health and unfit for human food; and praying condemnation and seizure of the product.

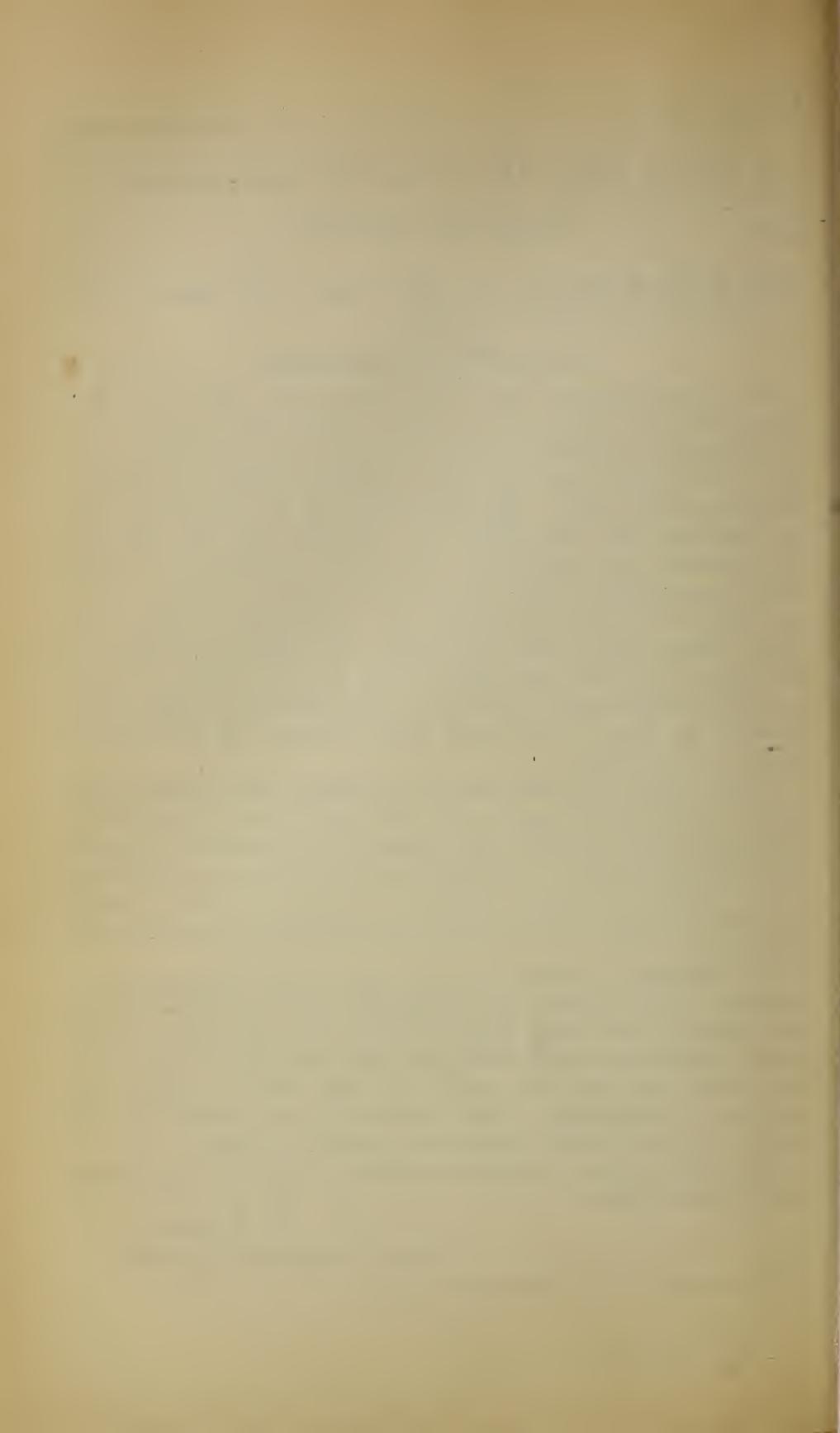
On November 22, 1910, the cause came on for hearing and no claimants of the product having appeared, and no answer having been filed, the court being fully informed in the premises, issued its decree condemning and forfeiting the said mincemeat to the use of the United States for the cause in the libel above set forth, and ordering the destruction of said product by the marshal for said district, with costs to the Government against the owner.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 9; 1911.





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 766, FOOD AND DRUGS ACT

ADULTERATION OF MINCEMEAT.

On or about September 17 and October 13, 14, and 15, 1910, W. H. Brenneman, Harrisburg, Pa., shipped from the State of Pennsylvania into the State of New York quantities, aggregating 2,887 pounds, of mincemeat in barrels and pails bearing the following label: "Hertzler's Celebrated Mince Meat. Manufactured by W. H. Brenneman, 12th and Hamilton Sts., Harrisburg, Pa." Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain approximately 0.08 of 1 per cent of salicylic acid. As the above analysis and report made showed that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of New York.

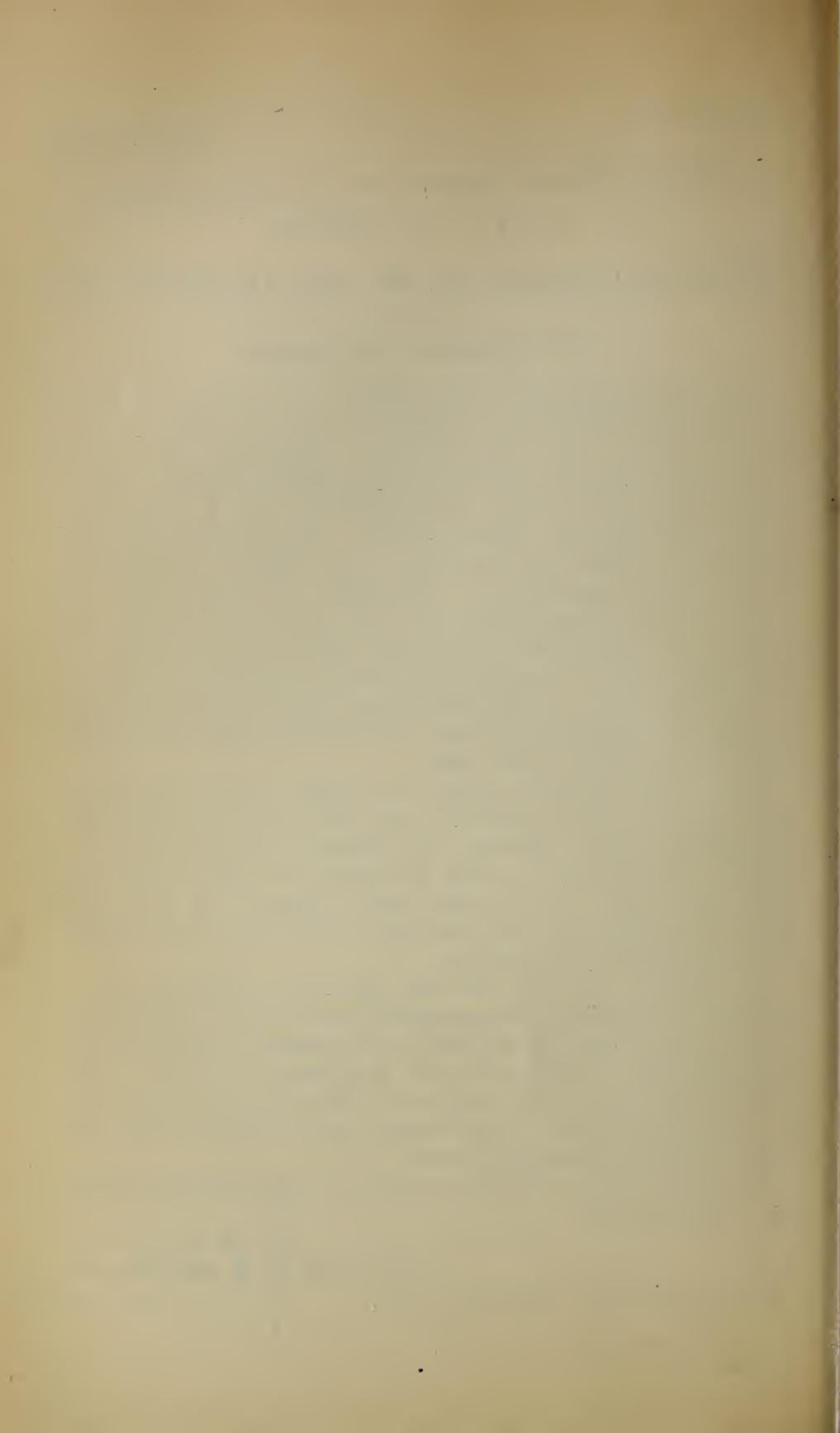
In due course a libel was filed in the District Court of the United States for said district against the said 2,887 pounds of mincemeat, charging the above shipments and alleging that the product so shipped was adulterated in that it contained an added deleterious ingredient, to wit, salicylic acid, which rendered said mincemeat injurious to health and unfit for human food; and praying seizure and condemnation of the product.

On November 22, 1910, the cause came on for hearing, and no claimant to the product having appeared and no answer having been filed, the court being fully informed in the premises, issued its decree condemning and forfeiting the said mincemeat to the use of the United States for the cause in the above libel set forth and ordering the destruction thereof by the marshal for said district, with costs to the Government against the owner.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture, 1911
U. S. Department of Agriculture

WASHINGTON, D. C., February 9, 1911.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 767, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF TOMATO PASTE.

On or about November 2, 1910, Pietro Roncoroni Company, New York City, shipped from the State of New Jersey into the State of New York 150 cases of tomato paste in one-pound and five-pound cans, each of said cases being labeled: "5 lb Rossa Lamigliore Conserva di Tomate marca P. R. packed by Pietro Roncoroni Company;" and each of said cans being labeled: "Tomato Paste, Conserva Di Tomate Rossa P R—this article is guaranteed to be made from the best quality of red ripe tomatoes and to contain no artificial coloring." Samples from this shipment were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain 500,000,000 bacteria per gram, 260 yeasts and spores per one-sixtieth milligram, and mold filaments in 72 per cent of the microscopic fields examined. As it appeared from the above examination and report made that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of New York.

In due course a libel was filed in the District Court of the United States for said district against the said 150 cases of tomato paste, charging the above shipment and alleging that the product so shipped was adulterated in that it was in whole or in part filthy, putrid, and decomposed; and that the product was misbranded in that the package and label of said tomato paste contained in said cans bore a statement, design, and device regarding said tomato paste and the ingredients and substances contained therein, which was false and misleading; and praying seizure and condemnation of the product.

On November 30, 1910, the cause came on for hearing, and no claimant to the product having appeared and no answer having been filed, the court being fully informed in the premises, issued its decree condemning and forfeiting the said tomato paste to the use of the United States for the causes set forth in the above libel, and ordering the destruction thereof by the marshal for said district.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

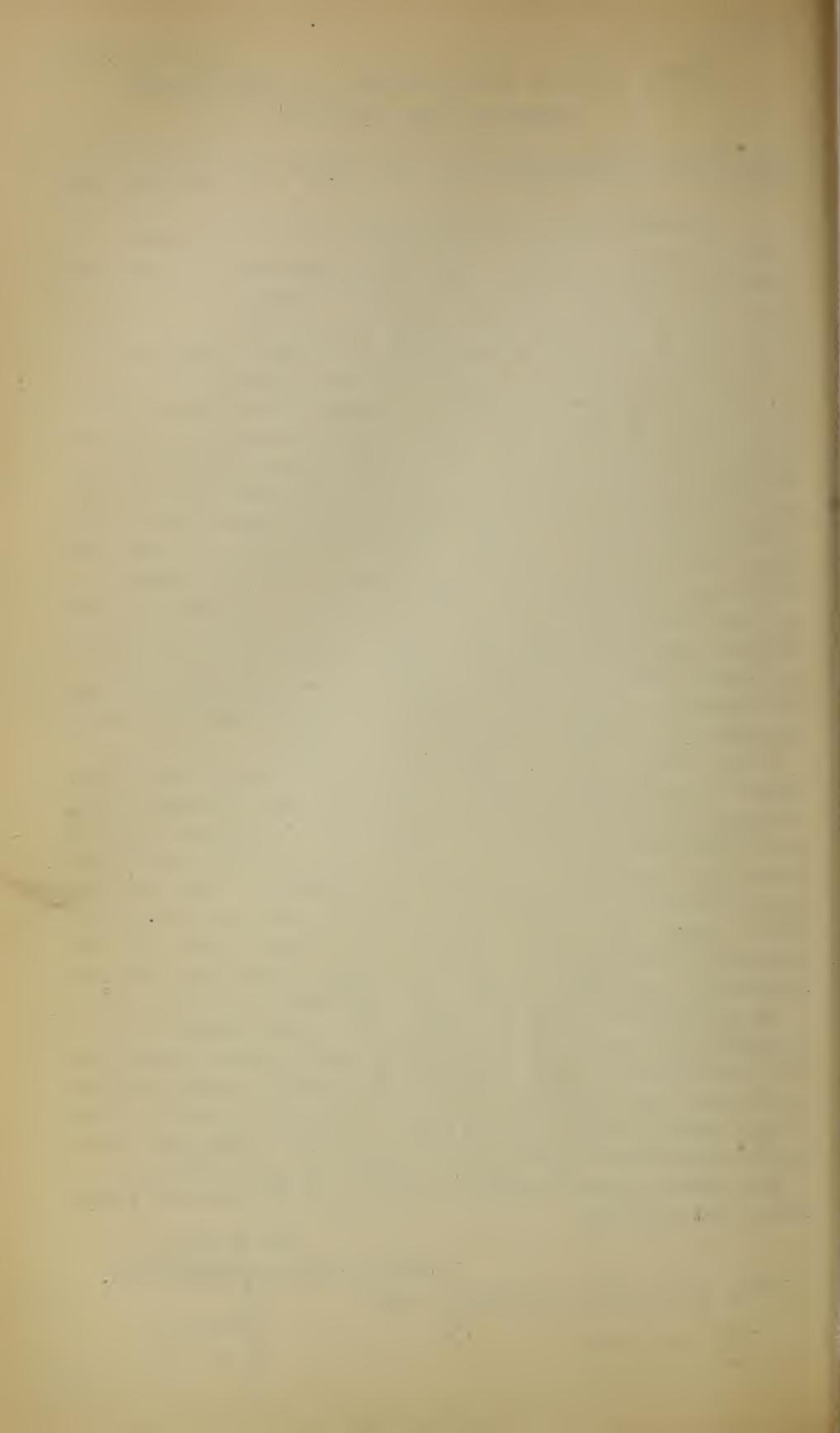
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 10, 1911.

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79782°—No. 767—11

March 1911
Acting Secretary of Agriculture
W. M. HAYS



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 768, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF A FOOD PRODUCT—"NEW YORK BRAND EXTRACT LEMON COMPOUND."

On or about June 9, 1909, Victor Althur, doing business under the firm name and style of Ketchum & Co., New York City, shipped from the State of New York to the State of New Jersey a quantity of a food product labeled: "New York Brand Extract Lemon Compound. Formula, Citral, Lemon Juice, Alcohol and Water. Color Lemon Yel. Guar. Ser. No. 4852. Ketchum & Company, 186 Wm. St. N. Y." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, with the following result: Specific gravity, 0.9910; solids, 0.32 per cent; lemon oil by polarization, 0.0 per cent; lemon oil by precipitation, 0.0 per cent; alcohol, 7.30 per cent; citral, 0.013 per cent; citric acid, absent; reaction, alkaline; colored with naphthol yellow S; methyl alcohol, absent. As the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Victor Althur, trading as Ketchum & Co., and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said Victor Althur, trading as Ketchum & Co., charging the above shipment and alleging that the product so shipped was adulterated in that it was artificially colored with a coal-tar dye which was not declared on the label thereof, and which lowered and injuriously affected the quality and strength of the product; and that the product was misbranded in that the label above set forth appearing on the container of the product regarding the ingredients or substances contained therein was false and misleading so as to deceive

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and mislead the purchaser thereof, because the said label indicated that the product thus labeled was an extract lemon compound, whereas in truth and in fact it was not an extract lemon compound but a solution containing no oil of lemon, which is an essential ingredient of extract lemon compound.

On January 11, 1911, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 10, 1911.*

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United States Department of Agriculture,

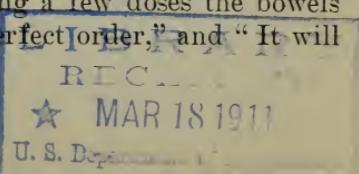
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NOTICE OF JUDGMENT NO. 769, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"COLD AND GRIPPE TABLETS—LAXATIVE."

On or about April 16, 1910, J. F. Tinsman, doing business under the name of "The Waldron Drug Store," Denison, Tex., shipped from the State of Texas into the State of Georgia a quantity of a drug product labeled: "Cold and Grippe Tablets. Laxative. Dose: One Tablet Three Times a Day. Cure a Cold in One Day. Waldron Drug Store, Denison, Texas. The only Cold and Grippe Tablets made. These Tablets will relieve Sick Headaches Immediately. They are Laxative. After Taking a few doses, the Bowels will move mildly, leaving the whole system in perfect order. Relieve Sick Stomach and Backache. Guaranteed Purely Vegetable." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, with the following results: 0.3000 gm substance gave 0.0621 gm quinine or 20.70 per cent, 0.0805 gm acetanilide or 26.83 per cent; 0.2948 gm substance gave 0.059 gm quinine or 20.31 per cent, 0.0797 gm acetanilide or 27.05 per cent. As it appeared from the above analysis and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said J. F. Tinsman and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Texas against the said J. F. Tinsman, charging the above shipment and alleging that the product so shipped was misbranded in that the label contained the following statements: "Product is purely vegetable," "It will cure a cold in one day," "After taking a few doses the bowels will move mildly, leaving the system in perfect order," and "It will



relieve sick headache immediately," which said statements were false and misleading because said product contained acetanilide, which is not a vegetable product; did not contain ingredients possessing the therapeutic properties adequate to accomplish the curative results claimed on the label; and in that the quantity and proportion of acetanilide contained in said product was not stated on the label.

On January 3, 1911, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 10, 1911.*

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 770, FOOD AND DRUGS ACT.

MISBRANDING OF GENEVA GIN.

On or about June 28, 1909, A. Blum Jr.'s Sons, a corporation, New York City, shipped from the State of New York into the State of New Jersey a consignment of gin labeled as follows: "Geneva Cross Gin. This superior liquor is specially recommended for medicinal purposes. Genuine Gin. Also known as Geneva. Trademark (design of cross) Regist'd Or Aromatic Schnapps. Purity Guaranty. Serial No. 4786. "Geneva Cross Distillery. G. C. D." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said A. Blum Jr.'s Sons, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said A. Blum Jr.'s Sons, Incorporated, charging the above shipment and alleging that the product so shipped was misbranded in that the label thereof indicated that the contents thereof was a foreign product, whereas, in truth and in fact, it was of domestic origin; and in that the product contained a quantity of alcohol the exact amount of which was not declared on the label.

The defendant entered a plea of guilty to the above information, and the court suspended sentence.

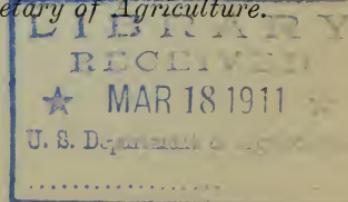
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

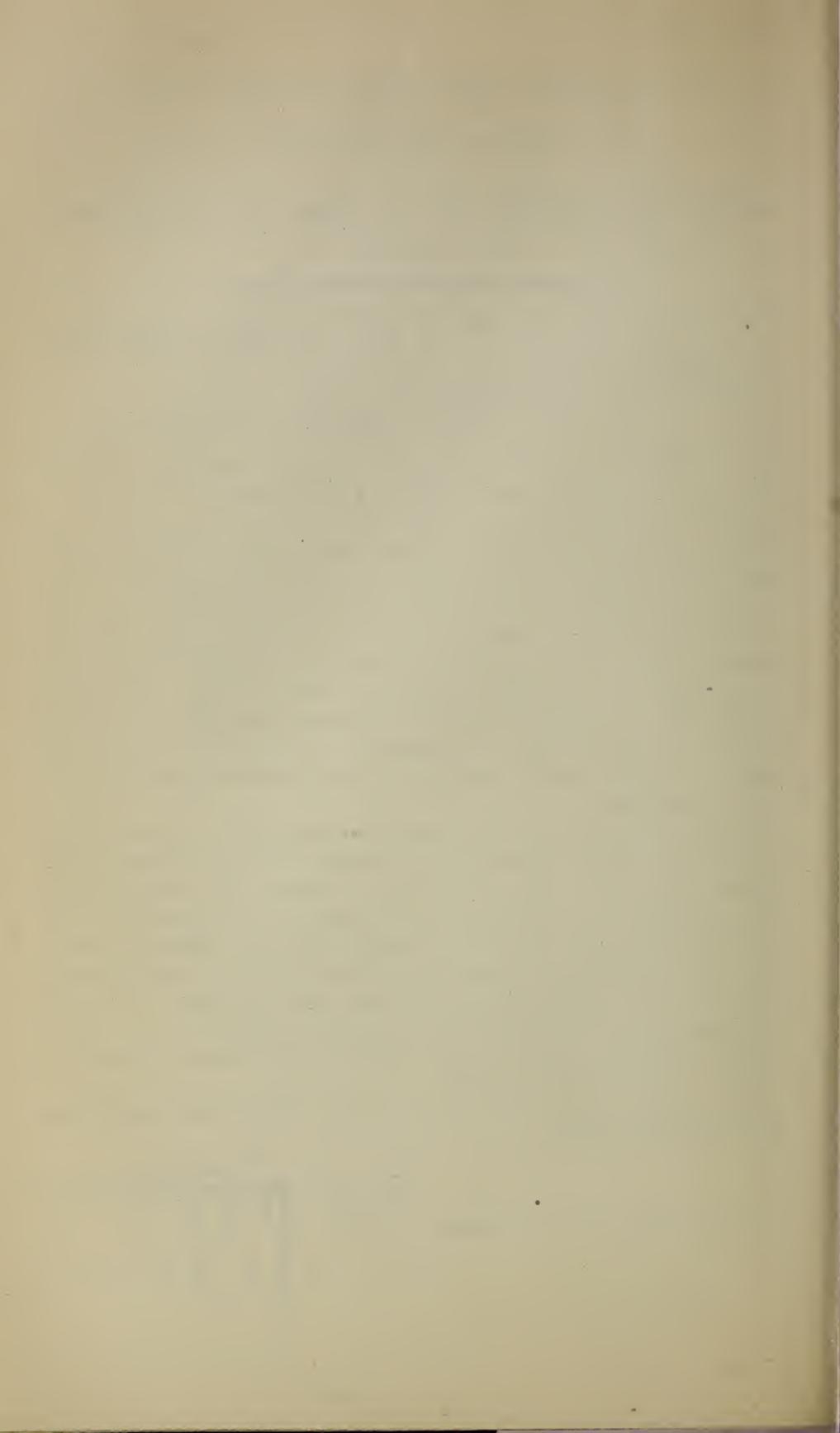
W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., February 10, 1911.

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 771, FOOD AND DRUGS ACT.

MISBRANDING OF GENEVA GIN.

On or about May 19, 1910, A. Blum Jr.'s Sons, a corporation, New York City, shipped from the State of New York into the State of Pennsylvania a consignment of gin labeled as follows: "Geneva Cross Gin. This superior liquor is especially recommended for medicinal purposes. Genuine Gin. Also known as Geneva. Trademark (design of cross) Regist'd Or Aromatic Schnapps. Purity Guaranty. Serial No. 4786. "Geneva Cross Distillery. G. C. D." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said A. Blum Jr.'s Sons, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said A. Blum Jr.'s Sons, Incorporated, charging the above shipment and alleging that the product so shipped was misbranded in that the product bore false and misleading statements and was labeled so as to deceive and mislead the purchaser in that said labels would indicate that the contents of said container was a foreign product, whereas, in truth and in fact, it was of domestic origin; and in that the product contained a quantity of alcohol the exact amount of which was not declared on the label.

The defendant entered a plea of guilty to the above information and the court suspended sentence.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

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W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 11, 1911.

United States Department of Agriculture,

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NOTICE OF JUDGMENT NO. 772, FOOD AND DRUGS ACT.

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MISBRANDING OF COFFEE

On or about July 9, 1909, Frank A. Bower, Boston, Mass., doing business under the name and style of Bower & Bartlett, shipped from the State of Massachusetts into the State of Pennsylvania a consignment of coffee labeled: "Society Brand Trade Mark Registered Mocha, Java and Mexican Coffee. Bower & Bartlett, Boston, Mass. Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 6700. This can contains a combination of the three best coffees the world produces." Samples from this shipment were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be a blend composed of one-half Mexican, one-quarter Dutch East India, probably Padang, and one-quarter Longberry Mocha. As the above examination and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Frank A. Bower, doing business under the name and style of Bower & Bartlett, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the District of Massachusetts against the said Frank A. Bower, charging the above shipment and alleging that the product so shipped was misbranded in that the package containing said coffee, in a statement therein, contained the word "Mocha," thereby leading the purchaser to believe that said food contained Mocha coffee, whereas, in truth and in fact, said statement, containing said word "Mocha," was false and misleading, in that said food did not contain Mocha coffee.

On January 5, 1911, the defendant entered a plea of nolo contendere to the above information, and the court imposed a fine of \$25.

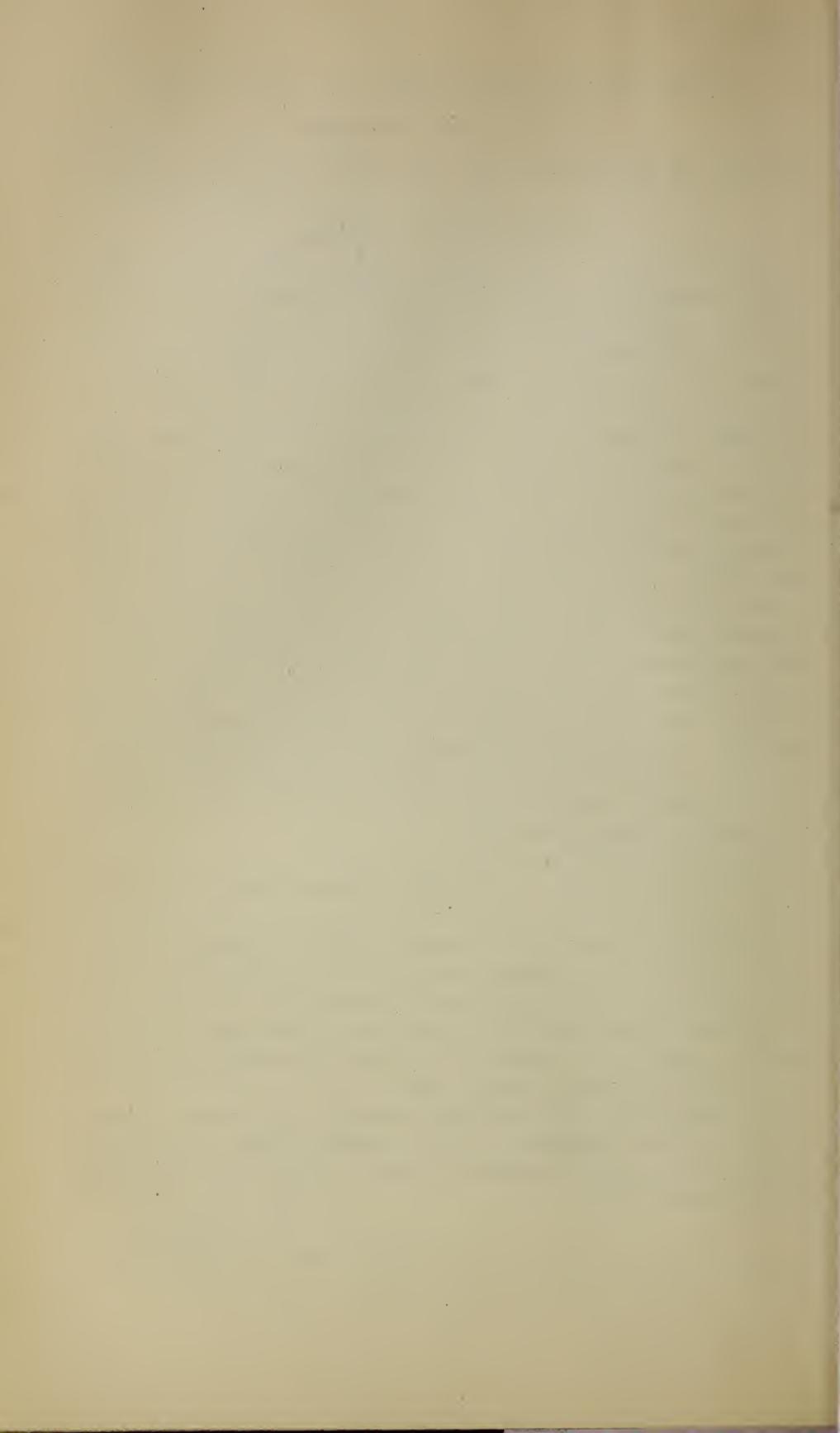
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., February 11, 1911.





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NOTICE OF JUDGMENT NO. 773, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"GAUVIN'S ANISEED SYRUP."

On or about March 5, 1910, J. A. Gauvin, Lowell, Mass., shipped from the State of Massachusetts into the State of Rhode Island a consignment of a drug product labeled: "Gauvin's Aniseed Syrup. * * * Each fluid ounce contains $\frac{1}{4}$ grain of acetate of morphine and 6% of alcohol. J. A. E. Gauvin, Dispensing Chemist, 850 St. Catherine St., East Montreal, Branch Lowell, Mass." "Gauvin's syrup of Aniseed is preeminently the Children's Remedy. It cures colic, dysentery, coughs and colds. * * * Gauvin's Syrup of Aniseed always brings relief and is quite harmless. It differs from the majority of remedies claiming to be of the same character in containing nothing injurious to the health. It does not hurt either the digestion nor the nervous system * * *." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be a hydro-alcoholic solution of morphin derivative, sugar, oil of anise flavoring, and undetermined matter. As it appeared from the above analysis and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said J. A. Gauvin and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the District of Massachusetts against the said J. A. Gauvin, charging the above shipment and alleging that the product so shipped was misbranded in that said package contained certain statements regarding said drug to wit, that each fluid ounce of said drug contained one-fourth grain acetate of morphin; that said product cured colic, dysentery, coughs, and colds;

that said product always brought relief and was quite harmless; that said drug contained nothing injurious to the health and would not hurt either the digestion or the nervous system, which statements were false and misleading in that each fluid ounce of said drug contained a larger quantity than one-fourth grain acetate of morphin; that said drug would not and could not cure colic, dysentery, coughs, and colds; that said drug was harmful because of the large amount of acetate of morphin contained therein; and that said drug was injurious to health and harmful to the digestive and nervous system.

On December 2, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$150.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

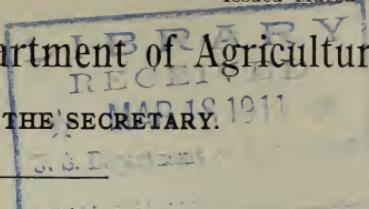
WASHINGTON, D. C., *February 13, 1911.*

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.



NOTICE OF JUDGMENT NO. 774, FOOD AND DRUGS ACT.

MISBRANDING OF VANILLA FLAVOR AND LEMON FLAVOR.

On or about April 12, 1910, K. J. Schmidt, New York City, shipped from the State of New York into the State of New Jersey a consignment of flavoring extracts labeled, respectively, "Vanilla Flavor Crown Extract K. J. Schmidt, 71 & 75 West Broadway, New York", and "Lemon Flavor Artificial Crown Extracts. K. J. Schmidt, 71 & 75 West Broadway, New York." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, with the following results for the vanilla flavor: Vanillin 0.87 per cent, coumarin 0.084 per cent, Leach test for coumarin positive, lead acetate precipitate scant—dark brown, artificial color caramel; and the following results for the lemon flavor: Specific gravity 0.9959, ethyl alcohol 13.87 per cent, methyl alcohol absent, lemon oil absent, citral 0.064 per cent, solids (principally glycerine), color coal-tar dye naphthol yellow S.

As the analyses and report thereon indicated that the products were misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said K. J. Schmidt and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said K. J. Schmidt, charging the above shipment and alleging that the vanilla flavor so shipped was misbranded in that the label of said product bore false and misleading statements in that said label indicated that the contents of said bottles was an extract of vanilla, whereas in truth and in fact said contents was an imitation product, artificially flavored and colored whereby its inferiority was concealed. The information also alleged that the lemon flavor so

shipped was misbranded in that the label of said bottles was false and misleading, and the product was labeled so as to deceive and mislead the purchaser because said label indicated that the product was an extract of lemon, whereas, in truth and in fact, it was an artificial product consisting of ethyl alcohol and containing absolutely no lemon oil.

The defendant entered a plea of guilty to the above information and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 13, 1911.*

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 775, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF PEPPERMINT EXTRACT.

On or about March 16, 1910, Cook & Bernheimer, a corporation, New York City, shipped from the State of New York into the State of Colorado a consignment of peppermint extract labeled as follows: "Extract of peppermint; Maure frères Brand. Made by Cook & Bernheimer Co., New York. Distillateurs Liqueurs Fines, Sirops, etc." "Qualité supérieure" "Ext. of peppermint." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, with the following results: Oil of peppermint 1.7 per cent, alcohol by volume 58.12 per cent, methyl alcohol none, colored with naphthol yellow S and light green S. F. yellowish. As the analysis and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Cook & Bernheimer, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said Cook & Bernheimer, Incorporated, charging the above shipment and alleging that the product so shipped was adulterated in that it was artificially colored with coal-tar dyes which materially lowered its quality and strength; and that the product was misbranded in that the label was false and misleading, and the product was labeled so as to deceive and mislead the purchaser in that said label indicated that the product was an extract of peppermint, whereas, in truth and in fact, it was not an extract of peppermint but a weak solution containing less than 3 per cent of the oil of peppermint.

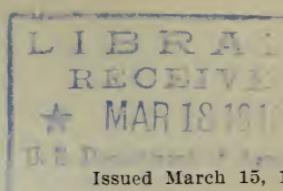
On December 12, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 14, 1911.





F. & D. No. 1842.
S. No. 657.

Issued March 15, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 776, FOOD AND DRUGS ACT.

MISBRANDING OF MACARONI.

On or about September 17, 1910, L. Verno, Philadelphia, Pa., shipped from the State of Pennsylvania to Salvatore Manoco and Carmen Lacavora, Washington, D. C., 24 boxes of macaroni, labeled "Premiato Pastificio, F. Porreca—Fu Giovanni—Trade Mark, Con Mulini, A. Cilindri, Macaroni Uso Napoli." Said label bore in addition certain pictures or designs showing and depicting certain foreign medals. Samples of this product were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be a macaroni manufactured in the United States of America. As the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Columbia.

On September 23, 1910, a libel was filed against the said 24 boxes of macaroni in the Supreme Court of the District of Columbia, holding a district court, charging the above shipment, and alleging that the product in question was misbranded in that the label above set forth represented it to be a foreign product when not so, for the reason that the Italian words above set forth, taken by themselves and also in connection with the aforesaid designs, signified and purported that the product in question had been manufactured within the country of Italy; and after being so manufactured, had been imported into the United States of America from the said country of Italy, whereas the said macaroni had not been manufactured in

the said country of Italy nor imported therefrom into the United States but in fact had been manufactured within the said United States at or near the city of Philadelphia, in the State of Pennsylvania, and praying condemnation and seizure of the product.

On October 22, 1910, Salvatore Manoco and Carmen Lacavora, the consignees aforesaid, filed their plea and answer, claiming ownership of the boxes of macaroni aforesaid, admitting the allegations of the above libel, and consenting that judgment and condemnation against the said goods be entered, as prayed in said libel, and setting forth their willingness to pay the costs of the proceedings in question, and petitioning that they be permitted to execute and deliver a good and sufficient bond, conditioned that the said macaroni should not be sold or disposed of contrary to law, and that upon the furnishing of such bond, the court might direct the delivery of the product to said respondents. On the same day the court issued its decree, finding the product to be misbranded as alleged in the libel aforesaid, and condemning and forfeiting the same to the United States, with the proviso, however, that should said respondents furnish a good and sufficient bond in the penal sum of \$38, conditioned that the product in question should not be sold or otherwise disposed of contrary to law, the marshal for said district should release unto said respondents the product in question. The bond having been furnished in conformity with the terms of this decree, the product was forthwith delivered to the respondents.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

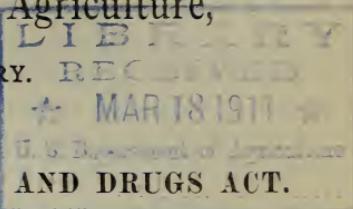
Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 14, 1911.*

Issued March 15, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.



NOTICE OF JUDGMENT NO. 777, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"BRANT'S SOOTHING BALM."

On or about July 18, 1910, the J. W. Brant Company, Limited, a corporation, Albion, Mich., shipped from the State of Michigan to the State of Pennsylvania a quantity of a drug product labeled: (On carton) "Brant's Soothing Balm. Contains 98 per cent alcohol. For all pain internal and external. 25 cents. For Colds, Coughs, Diphtheria, Sore Throat, Pain in the Stomach, Head, Back and Limbs. Also for Colic in Horses. See directions." (In German) Cures colds, coughs, diphtheria, rheumatism, pains in the stomach, intestines, &c. (Directions in German on the inside) "No. 916. Guaranteed under the Food and Drugs Act, June 30, 1906. The J. W. Brant Co., Ltd., Albion, Mich. All the genuine are signed, J. W. Brant, Albion, Mich. [Entered according to Act of Congress in the year of our Lord 1873, by J. W. Brant of Hillsdale, Mich., in the Office of the Librarian of Congress, at Washington.] Good for Colic, Bowel Complaints, Weak Stomach, Painters' Colic, Cholera, Cramps, Dysentery, Neuralgia, Tooth and Ear Ache, Scalds, Bruises and Sprains"; (On bottle) "Brant's Soothing Balm! Contains 98 per cent alcohol. Taken internally or applied externally, for all pain, giving instant relief. Rheumatism, Neuralgia, and all external pain, quickly relieved if apply flannel saturated with Balm, or bathe and rub well as case may require. To break a cold quickly, for Dyspepsia, Sour Stomach, Internal Pain, Diarrhea, Fever and Ague, etc., take a teaspoonful of Balm in sweetened water, from 3 to 6 times a day; less quantity for children. Diphtheria or Canker, take internally—bathe and gargle throat at bedtime. See full directions with bottle;" (blown in bottle) "The J. W. Brant Co., Brant's Soothing Balm, Albion, Mich." Samples of this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be an alcoholic solution of camphor, oleo-resin of capsicum, a trace of sassafras oil, and water, with the proportion of alcohol in the product incorrectly stated. As the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of

June 30, 1906, the Secretary of Agriculture afforded the said J. W. Brant Company, Limited, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

On December 23, 1910, a criminal information was filed in the District Court of the United States for the Eastern District of Michigan against the said J. W. Brant Company, Limited, charging the above shipment, and alleging that the product so shipped was misbranded in that the product was an alcoholic solution of camphor, oleo-resin of capsicum, with a trace of sassafras oil, and water, and that the alcohol present in said product was incorrectly stated; in that the statements "taken internally or applied externally for all pain, giving instant relief," and "Rheumatism, neuralgia, and all external pain quickly relieved" borne on the above label, are false and misleading because said statements deceive the purchaser into the belief that the preparation will alleviate all and every internal pain, when applied to the human body, whereas in truth and in fact said preparation possesses no power to alleviate all and every internal and external pain incident to the human body; in that the words "Cures colds, coughs, diphtheria, rheumatism, pains in stomach, intestines, etc." borne on the carton, are false and misleading, because said words deceive the purchaser into the belief that said preparation possesses great efficacy as a remedy or a cure for the diseases and ailments mentioned in said statement, when in truth and in fact said preparation does not possess sufficient medicinal properties, and is not of sufficient curative value to effect a cure or act as an efficient remedy for said diseases above mentioned.

On December 27, 1910, the defendant appeared, by its general manager and chairman, and filed a plea of *nolo contendere*, whereupon the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 16, 1911.

L Issued March 15, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 778, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF "PRIME ITALIAN CODFISH."

On or about September 10, 1910, the Gorton-Pew Fisheries Company, Gloucester, Mass., shipped from the State of Massachusetts into the State of Pennsylvania ten drums of salt fish, labeled "Prime Italian Codfish." Samples of this product were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be the common codfish, *Gadus callarias*, common to American waters, and to be decomposed. As the findings of the analyst and report made indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course a libel was filed against the said ten drums of salt fish, charging the above shipment and alleging that the product so shipped was adulterated in that it consisted in whole or in part of a decomposed or putrid animal substance, and alleging that the product was misbranded in that the label above set forth, "Prime Italian Codfish," purported that the product was a foreign one, to wit, a product of Italy, or of Italian waters, when in truth it was not a foreign product but a product of North American waters, and of the United States, and praying seizure, condemnation, and forfeiture of the product.

The cause coming on for hearing, and no response or answer having been filed to the above libel, the court being fully informed in the premises, rendered its decree, finding the product to be adulterated and misbranded, as set forth in said libel, condemning and forfeiting the product to the United States, and ordering its destruction by the marshal of said district, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., February 16, 1911.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 779, FOOD AND DRUGS ACT.

MISBRANDING OF SALT FISH.

During the month of September, 1910, the Gorton-Pew Fisheries Company, Gloucester, Mass., shipped from the State of Massachusetts to the State of Pennsylvania 250 drums of salt fish, each containing 100 pounds, 200 drums being labeled "No. 1 Prime Italian Fish, Brand * * * Reg. U. S. Pat. Off., Antonio Morano, Phila., Pa.", and 50 drums being labeled "100 lbs., Italian Codfish, Swinger & Binenstock, Phila., Pa." Samples of these products were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and the former of said products found to be fish of the ordinary haddock variety, and those under the second label, of the common cod variety, both being native to American waters. As the findings of the analyst and report made indicated that the products were misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course libels were filed in the District Court of the United States for said district against the said 250 drums of salt fish, charging the above shipments, and alleging that the 200 drums first above mentioned were misbranded in that the label above set forth was such as to mislead and deceive the purchaser because the said statement upon the label in question indicated that the article of food therein contained, to wit, salt fish, was a product of Italy, whereas in truth and in fact the said article of food, to wit, salt fish of the ordinary haddock variety, was not the product of Italy or Italian waters, but was the product of North American waters, the said packages or drums being thus labeled and branded so as to deceive and mislead the purchaser thereof with reference to the kind of fish therein contained, and with reference to the locality from which the said fish came, and alleging that the latter of the above mentioned products, consisting of 50 drums, labeled "Italian Codfish", was misbranded in that said label purported that the article therein contained was a

foreign product, to wit, a product of Italy and Italian waters, when in truth and in fact said article of food, to wit, codfish, was not a foreign product, but was the product of North American waters, and of the United States. Thereupon the above mentioned Gorton-Pew Fisheries Company and Antonio Morano entered their appearance and filed their answers to the above libels, admitting the allegations of misbranding contained therein, but disclaiming any wrongful intention in respect thereto, and petitioning the court that they be allowed to execute and deliver a good and sufficient bond, conditioned that the above mentioned products should not be sold or otherwise disposed of contrary to law, and that upon payment by said petitioners of the costs of these proceedings, and the execution of such bond, that said products should be forthwith released to them.

The causes coming on for hearing, the court being fully informed in the premises, issued its decree finding the products in question to be misbranded, as alleged in said libels, and condemning and forfeiting the same to the United States with the proviso, however, that upon the execution and delivery by said claimants of the bonds above mentioned, and upon the payment by said claimants of the costs of said proceedings, the products in question should be delivered to them. Satisfactory bonds having been furnished by the claimants, and the costs paid in accordance with the terms of this decree, the products were forthwith delivered to the claimants.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 17, 1911.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY

NOTICE OF JUDGMENT NO. 780, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT — TILDEN'S FEBRISOL.

On or about August 6, 1909, The Tilden Company, a corporation, New Lebanon, N. Y., shipped from the State of New York to the State of Virginia a quantity of a drug product labeled: "Guaranteed under the Food and Drugs Act, June 30, 1906, Serial No. 2262. Tilden's Febrisol. Trade Mark. Analgesic Antalgic & Antipyretic. Alcohol 61 Per Cent. Phenacetine 16 Grs. Acetanilide 10 Grs. in Each Fluid Ounce. Prepared only by The Tilden Company, New Lebanon, N. Y. Branch: St. Louis, Mo. * * *." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to consist of alcohol, glycerin, acetanilide, acetphenetidin, caffein, salol, and other unidentified drugs, the amount of alcohol being only two-thirds of that declared and the ratio of acetphenetidin to acetanilide being, approximately, 11 to 17 instead of 16 to 10, as declared. As the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Tilden Company and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against The Tilden Company, charging the above shipment and alleging that the product so shipped was misbranded in that it was labeled as above set forth, when in fact the quantity of alcohol and acetanilide contained therein had been incorrectly stated on the label of the container of the product.

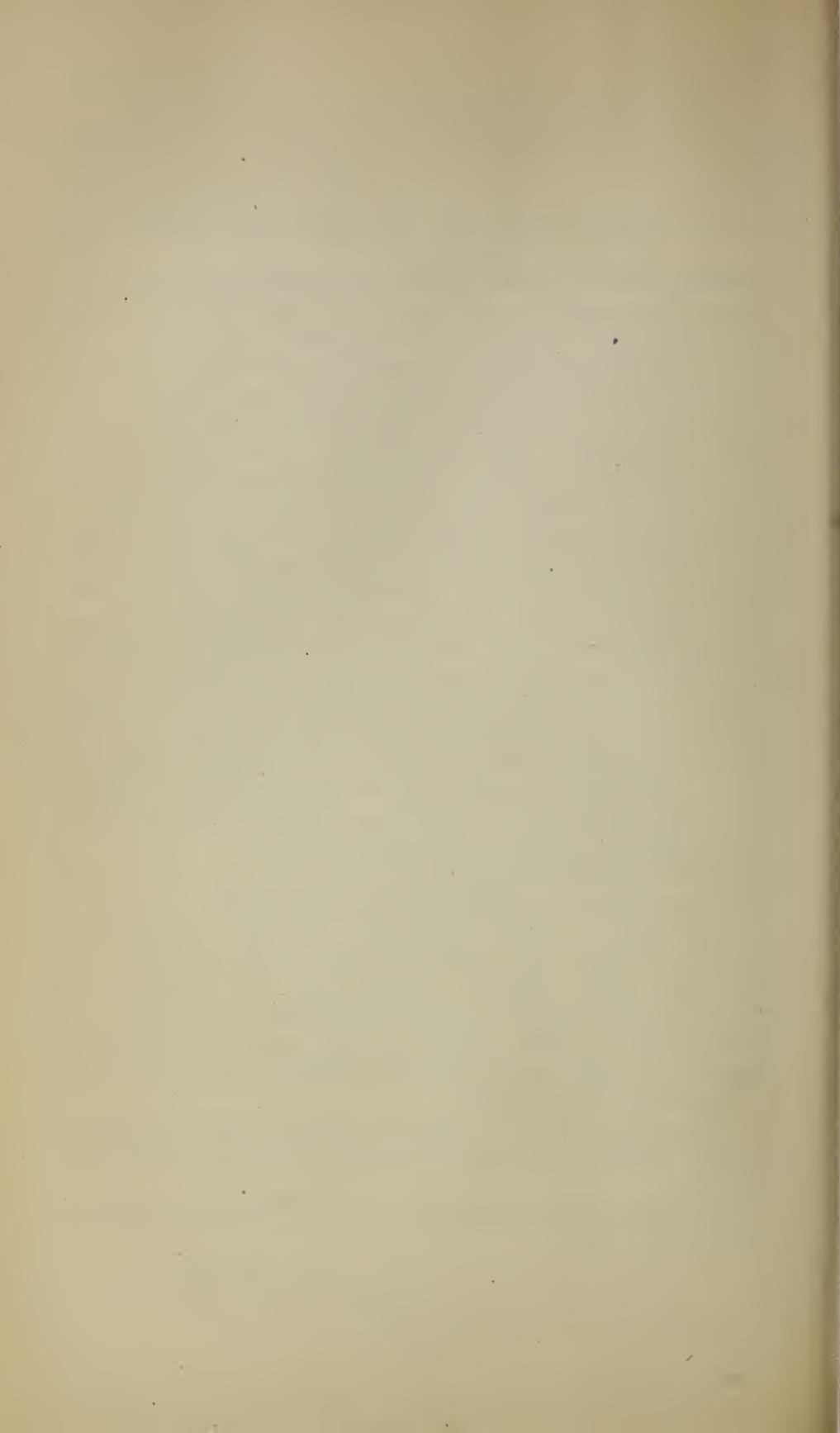
On January 13, 1911, the defendant entered a plea of guilty by Samuel J. Tilden, its president, whereupon the court imposed a fine of \$150.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

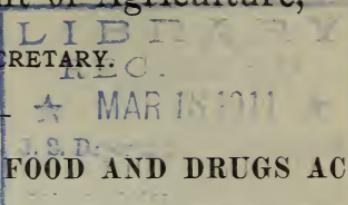
WASHINGTON, D. C., February 17, 1911.





United States Department of Agriculture,

OFFICE OF THE SECRETARY.



NOTICE OF JUDGMENT NO. 781, FOOD AND DRUGS ACT.

ADULTERATION OF TOMATO CATSUP.

On or about October 21, 1910, The Jersey Packing Company, Cincinnati, Ohio, shipped from the State of Ohio to the State of Wisconsin 400 cases and 20 crates labeled: "2 Doz. 14-oz. Sunny Side Tomato Catsup (Guaranteed Clause) Serial No. 4337. The Jersey Packing Company, Cincinnati, O., U. S. A.," each of the bottles and jugs contained in the aforesaid cases and crates bearing the following label: "Trade Mark. Sunny Side Catsup. Guaranteed by the Jersey Packing Company under the Food and Drugs Act, June 30, 1906, Serial No. 4337. Not artificially colored. Contains tomatoes, pieces of tomatoes, sugar, salt, vinegar, onions, garlic and spices. Manufactured for the Jersey Packing Co., Cincinnati, U. S. A." Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to contain 40,000,000 bacteria per cc.: 145 yeasts and spores per one sixtieth cmm., with mold filaments in every one of the microscopic fields examined, and thus to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Wisconsin.

On October 28, 1910, a libel was filed in the District Court of the United States for said district against said 400 cases and 20 crates of tomato catsup, charging the above shipment and alleging the product so shipped to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 29, 1910, a stipulation was entered into between the United States and attorneys for the above mentioned Jersey Packing Company, admitting the allegations of the libel above set forth and consenting to the condemnation of the product, whereupon the court, being fully informed in the premises, issued its decree, finding the product to be adulterated as set forth in said libel, and ordering its

destruction by the marshal of said district, which order was forthwith executed, the said Jersey Packing Company being assessed the cost of the proceedings.

This notice is given in pursuance of section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 17, 1911.*

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United States Department of Agriculture,

OFFICE OF THE SECRETARY

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NOTICE OF JUDGMENT NO. 782, FOOD AND DRUGS ACT.

ADULTERATION OF FROZEN EGGS.

On or about October 3, 1910, there were found on the premises of the Washington Market Company, a corporation, Washington, D. C., a quantity of frozen eggs, consisting of 11 cans of the product belonging to Charles B. Althoff, 14 cans belonging to Charles A. Volland and George A. Volland, copartners trading as D. Volland's Sons, 4 tubs belonging to National City Dairy Company, a corporation, and 14 tubs belonging to Elijah E. James, said products being offered for sale at the market and city above referred to. Samples of the product in question were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, with the result that said product was found to contain enormous numbers of bacteria, many of which were of the gas-producing type. As the findings of the analyst and report made indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Columbia.

On October 5, 1910, libels were filed against the above-mentioned product in the Supreme Court of said District, holding a district court, charging the offer for sale of said product in the District of Columbia and alleging that the product in question consisted in part of a filthy, decomposed, and putrid animal substance, for which reason the same were absolutely unfit for human consumption, and praying condemnation and forfeiture of the product. Thereupon the above mentioned owners of the product involved entered their appearances, respectively filed their pleas and answers to the above libels, admitting the allegations of said libels, and consenting to the condemnation and forfeiture of said product.

The causes came on for hearing and the court, being fully informed in the premises, issued its decree, in each case finding the product in question to be adulterated as charged in said libel, and ordering

the destruction thereof by the marshal of said district, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 18, 1911.*

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United States Department of Agriculture

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 783, FOOD AND DRUGS ACT.

MISBRANDING OF OLIVE OIL.

On or about February 22, 1910, Pietro Viviano, Salvatore Viviano, Giovanni Viviano, and Guiseppe Viviano, doing business as S. Viviano & Bros., shipped from the State of Missouri into the State of Illinois a consignment of a food product in cans labeled: "La Sicilia—Extra Compound Cotton Seed Oil—Olive Oil—S. V. & Bros.—St. Louis, Mo." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, with the following results: Index of refraction at 15° C., 1.4732; iodin number average of 3 determinations, 100; cotton-seed oil—Halphen's test—strongly positive. As it appeared from the above analysis and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said S. Viviano & Bros., and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Missouri against the said Pietro Viviano, Salvatore Viviano, Giovanni Viviano, and Guiseppe Viviano, doing business as S. Viviano & Bros., charging the above shipment and alleging that the product so shipped was misbranded in that the contents of said cans consisted principally of cottonseed oil and that the label upon said cans indicated that the contents thereof were olive oil; that the words "La Sicilia Olive Oil" appearing upon said label indicated to the purchaser that said cans contained olive oil, whereas in truth and in fact, said cans contained a compound consisting principally of cottonseed oil; that said article was an imitation and offered for sale under the distinctive name of another article; that the label upon

said cans was false and misleading; and that the cans were so labeled as to mislead and deceive the purchaser.

The defendants entered a plea of guilty to the above information and the court imposed a fine of \$5 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

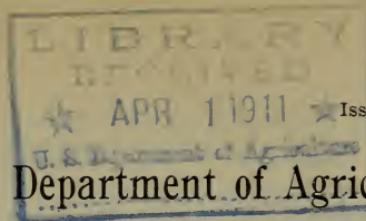
W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 18, 1911.*

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Issued March 27, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 784, FOODS AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF A DRUG PRODUCT—"KOLA" SYRUP.

On or about August 21, 1909, the Warner-Jenkinson Company, a corporation, St. Louis, Mo., shipped from the State of Missouri into the State of Michigan a consignment of a product in jugs labeled: "Dr. Don's Kola: Directions—Carbonate at 60 lbs. pressure, throwing one ounce to a half-pint bottle. Guaranteed by the manufacturer under Food & Drugs Act of June 30, 1906. Serial No. 2008. Harmless color added. Los Angeles Phosphate Company, Manufacturers of Dr. Don's Soluble Bottlers' Extracts, St. Louis, Mo." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be a syrupy liquid consisting essentially of caffeine 0.09 per cent, cocaine, phosphoric acid, sugar, flavoring and coloring agents, and water. As the above analysis and report thereon showed that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Warner-Jenkinson Company, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Missouri against the said Warner-Jenkinson Company, Incorporated, charging the above shipment and alleging that the product so shipped was adulterated in that the said jugs contained a liquid consisting essentially of caffeine, cocaine and derivatives of cocaine, phosphoric acid, sugar, flavoring and coloring agents, and water, and contained no substance derived from the cola nut or cola plant, which said liquid contained

in said jugs had been substituted for the article described upon the label; that the liquid in said jugs had been mixed and packed with an artificially compounded solution of caffein, cocaine and cocaine derivatives, phosphoric acid, sugar, flavoring and coloring agents, and water, so as to injuriously affect its quality and strength; that said article contained added poisonous and deleterious ingredients, to wit, caffein and cocaine and cocaine derivatives, which rendered it injurious to health, and in that said substance was artificially colored whereby its inferiority was concealed. The information also alleged that the product was misbranded in that it was a liquid as above stated containing no substance derived from the cola nut or cola plant, and that the use of the word "Kola" upon said label was another spelling of the word "cola," and was calculated to mislead and deceive the purchaser into the belief that some substance derived from the cola nut or cola plant was present in said product; that said substance was an imitation and offered for sale under the distinctive name of another article, and the label upon said jug was false and misleading; that said jugs were so labeled as to deceive and mislead the purchaser; and that the labels upon said jugs failed to bear a statement of the quantity and proportion of cocaine and derivatives of cocaine contained in said product, or to bear a statement that said product contained any cocaine or any derivatives of cocaine.

The defendant entered a plea of guilty to the above information and the court imposed a fine of \$20 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., February 21, 1911.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 785, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF "RED SEAL" COLA QUEEN SYRUP.

On or about August 26, 1909, the Warner-Jenkinson Company, a corporation, St. Louis, Mo., shipped from the State of Missouri into the State of Ohio a consignment of a product in jugs labeled "Cola Queen: Directions—Carbonate at 60 lbs. pressure, throwing one ounce to a half-pint bottle. Guaranteed by the manufacturer under the Food & Drugs Act of June 30, 1906. Serial No. 2008. Harmless color added. Warner-Jenkinson Company, St. Louis, Mo. Warner-Jenkinson Company Red Seal Trade Mark Manufacturers of high-grade bottlers' extracts." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be a syrupy liquid consisting essentially of caffein 0.09 per cent, cocain and cocain derivatives, phosphoric acid, sugar, caramel, flavoring agents, and water. As the above analysis and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Warner-Jenkinson Company, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Missouri against the said Warner-Jenkinson Company, Incorporated, charging the above shipment, and alleging that the product so shipped was adulterated in that said jugs contained a liquid consisting of caffein, cocain and derivatives of cocain, phosphoric acid, sugar, caramel, flavoring agents, and water, but contained no substance derived from the cola nut or cola plant, as indicated by the label, which said liquid had been substituted for the article described upon

the label; in that the liquid in said jugs had been mixed and packed with an artificially compounded solution of caffeine, cocaine, cocaine derivatives, phosphoric acid, sugar, caramel, flavoring agents, and water, so as to injuriously affect its quality and strength; in that the product contained added poisonous and deleterious ingredients, to wit, caffeine and cocaine and derivatives of cocaine, which might render said article injurious to health; and in that said product was artificially colored whereby its inferiority was concealed. The information also alleged that the product so shipped was misbranded in that it was a liquid, as above stated, containing no substance derived from the cola nut or cola plant, and the label was calculated to mislead and deceive the purchaser into the belief that the product contained derivatives of the cola nut or cola plant; that said article was an imitation and was offered for sale under the distinctive name of another article; that the labels upon said jugs were false and misleading and said jugs were so labeled as to deceive and mislead the purchaser, and that said jugs failed to bear a statement upon the label of the quantity or proportion of cocaine and derivatives of cocaine contained therein, or to bear a statement on the labels that said product contained any cocaine or derivatives of cocaine.

The defendant entered a plea of guilty to the above information and the court imposed a fine of \$20 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 21, 1911.*



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 786, FOOD AND DRUGS ACT.

MISBRANDING OF STOCK FEED.

On or about May 6, 1909, the Mountain City Mill Company, a corporation, Chattanooga, Tenn., shipped from the State of Tennessee to the State of North Carolina a quantity of a food product labeled "80# Ship Stuff or Feed Meal Guar. Analysis, Protein 13%, fat 5.50%, Sugar and Starch 60.00%, Fiber 7% (Guar. legend) Serial No. 4579. Mountain City Mill Co., Chattanooga, Tenn." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain wheat and corn products with a large amount of corn bran present, the analysis being as follows: Moisture 10.68 per cent, ether extract (crude fat) 5.99 per cent, protein 10.77 per cent, and crude fiber 9.06 per cent. As the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Mountain City Mill Company and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Tennessee against the said Mountain City Mill Company, charging the above shipment and alleging that the product so shipped was misbranded, in that it was guaranteed in the label above set forth to contain 13 per cent protein and 7 per cent fiber, when in truth and in fact it contained a less amount of protein and a greater amount of fiber than shown upon said label, being therefore so labeled as to mislead and deceive the purchaser.

The cause coming on for hearing, trial was had of the issues involved, and the court found the defendant company guilty as charged in said information and imposed a fine of \$20 and costs of prosecution.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS.

Acting Secretary of Agriculture.

WASHINGTON, D. C., February 23, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 787, FOOD AND DRUGS ACT.

ADULTERATION OF MILK.

On or about November 28, 1910, Charles G. Wilson, Lay Hill, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of milk. Dr. William C. Woodward, health officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed, said analysis showing that a valuable constituent, to wit, butter fat, had been abstracted therefrom. As the findings of the analyst and report thereon indicated that the milk was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Charles G. Wilson was afforded an opportunity for hearing, and as it appeared after hearing held that the said sale was in violation of the act, said health officer reported the facts to the United States attorney for the District of Columbia.

In due course a criminal information was filed in the Police Court of the District of Columbia against the said Charles G. Wilson, charging the above sale and alleging that the milk so sold was adulterated, in that a valuable constituent thereof, to wit, butter fat, had been left out and abstracted in whole or in part.

On January 3, 1911, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., February 23, 1911.

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APR 1 1911 *

Issued March 27, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 788, FOOD AND DRUGS ACT.

ADULTERATION OF MILK.

On or about November 25, 1910, George A. Willson, Lay Hill, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of milk. Dr. William C. Woodward, health officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed, said analysis showing that a valuable constituent, to wit, butter fat, had been abstracted therefrom. As the findings of the analyst and report thereon indicated that the milk was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said George A. Willson was afforded an opportunity for hearing, and as it appeared after hearing held that the said sale was in violation of the act, the said health officer reported the facts to the United States attorney for the District of Columbia.

In due course a criminal information was filed in the Police Court of the District of Columbia against the said George A. Willson, charging the above sale and alleging that the product in question was adulterated, in that a valuable constituent thereof, to wit, butter fat, had been left out and abstracted wholly or in part.

On January 3, 1911, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., February 23, 1911.



United States Department of Agriculture,

U. S. D.
OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 789, FOOD AND DRUGS ACT.

ADULTERATION OF SHUCKED OYSTERS.

On or about December 1, 1910, there were offered for sale in the city of Washington, District of Columbia, three barrels of shucked oysters in the possession of one Lee J. Roberts, the owner. Examination of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed that said oysters had been shucked, and subsequently chilled by the direct application of melting ice in such a manner as to add water thereto, and were therefore adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said three barrels of shucked oysters were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Columbia.

In due course a libel was filed in the Supreme Court of the District of Columbia against the said three barrels of shucked oysters, charging the above offering for sale in the District of Columbia, and alleging that the product so offered for sale was adulterated in that a certain substance, to wit, water, had been mixed and packed with the said oysters in such a manner as to reduce, lower, and injuriously affect their quality and strength, and further, in that a certain substance, to wit, water, had been substituted in part for and in place of the said oysters, and praying seizure, condemnation, and forfeiture of the product.

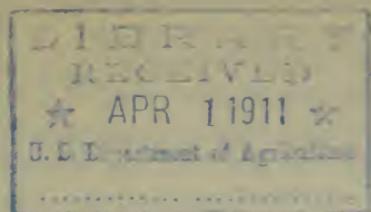
The cause coming on for hearing, no proper answer having been filed by the owner of the product, the court being fully informed in the premises, issued its decree finding the said product to be adulterated as charged in the above libel and ordering the destruction thereof by the marshal of said District.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 23, 1911.





F. & D. No. 235.
S. No. 108.

Issued March 27, 1911.

United States Department of Agriculture, OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 790, FOOD AND DRUGS ACT.

ADULTERATION OF A FOOD PRODUCT—MACLAREN'S IMPERIAL CHEESE.

On or about November 19, 1908, there were offered for sale in the city of Washington, District of Columbia, 42 cases containing a number of jars of various sizes of cheese labeled "MacLaren's Imperial Cheese. Contains 1/10 of 1% borate. MacLaren Imperial Cheese Company, Ltd., Detroit." An examination of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to contain sodium borate or boric acid and thus to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the above examination and report made thereon that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Columbia.

In due course a libel was filed in the Supreme Court of said District sitting as a district court, charging said offering for sale of the above product in the District of Columbia, and alleging the product in question to be adulterated, in that it contained as an added ingredient thereof a certain poisonous and deleterious ingredient, namely, sodium borate, which might and did render said cheese injurious to health and unfit for human consumption. Thereupon the said MacLaren Imperial Cheese Company, Limited, intervened and filed its answer admitting the presence of sodium borate in said product but denying that the product was adulterated or was in any way injurious to health or unfit for human consumption, and alleging the unconstitutionality of the Food and Drugs Act above referred to.

The cause coming on for hearing, upon motion of the United States attorney for a decree of condemnation in the above entitled cause and the MacLaren Imperial Cheese Company, Limited, the claimant in

said cause, not desiring to contest the allegations of the above libel and appearing in open court by its counsel and consenting to said decree of condemnation, the court being fully informed in the premises, issued its decree finding the said 42 cases of cheese involved to be adulterated as alleged in said libel and ordering the destruction of the product by the marshal of said District, imposing the costs of these proceedings upon the said MacLaren Imperial Cheese Company, Limited.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 24, 1911.*

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.
U. S. Department of Agriculture

NOTICE OF JUDGMENT NO. 791, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"SPORTY DAYS INVIGORATOR."

On or about September 27, 1910, the Sporty Days Invigorator Company, St. Louis, Mo., shipped from the State of Missouri into the State of Texas two drums each containing 200 bottles of a drug product labeled: "Sporty Days Invigorator—A Compound—Guaranteed by serial No. 1512—The Sporty Days Invigorator Co., St. Louis, Mo.—Trade Mark Copyrighted—Price 35c. per Bottle—Alcohol 37.50 per cent." Samples of this product were procured and analyzed by the Bureau of Chemistry and the product was found to be 34.82 per cent alcohol and 8.7 per cent of nonvolatile material, of which 8.28 per cent was composed of sugar and flavoring material. As the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Texas.

In due course a libel was filed in the District Court of the United States for said district against the said two drums of the product, charging the above shipment and alleging that the product so shipped was misbranded in that it had no aphrodisiac properties, was not a cure for disease, and had none of the properties claimed for it in said label, and praying seizure and condemnation of the product. Thereupon J. Simon & Sons, of St. Louis, Mo., appeared by their attorneys, and filed a claim to the product involved, admitting that the product was misbranded as in said libel alleged, and agreeing that an order be entered condemning and confiscating said property to the United States. The case coming on for hearing and the court being fully informed in the premises issued its decree finding the product was misbranded, and forfeiting and confiscating the same to the United States, with a proviso, however, that upon payment by said J. Simon & Sons of all costs in these proceedings and the execution and delivery of a good and sufficient bond in the sum of \$400 to be filed with the clerk of said court, conditioned that the said product should not be sold or otherwise disposed of contrary to law, the marshal of said district should thereupon release said property to the above-mentioned

claimants, and further providing that in case said claimants should not within sixty days from date of said decree pay the costs assessed against them and execute and deliver the bond above referred to, the marshal of said district should destroy the aforesaid two drums of the product in question.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 24, 1911.*

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APR 1 1911 *

Issued March 27, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 792, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF A DRUG PRODUCT—SPIRITS OF TURPENTINE.

On or about October 6, 1910, W. R. Winn, New York City, shipped from the State of New York to the State of Connecticut two barrels of a drug product labeled: "W. R. Winn—Spirits Turpentine—143 Maiden Lane, N. Y." Samples of this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain 14 per cent of mineral oil which had been substituted for spirits of turpentine. As the findings of the analyst and report made indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Connecticut.

In due course a libel was filed in the District Court of the United States for said district against the said two barrels of turpentine charging the above shipment and alleging that the product so shipped was adulterated in that said drug product was sold and transported from the State of New York to the State of Connecticut as "Spirits Turpentine," a name recognized in the United States Pharmacopœia, whereas said drug product differed from the standard of strength, quality, and purity as determined by the test laid down in said United States Pharmacopœia at the time of the investigation for the drug product known as spirits of turpentine, and in that said drug product so sold and transported contained a quantity of mineral oil which had been mixed with and substituted for spirits of turpentine, and further alleging the product to be misbranded in that the container was labeled as above set forth, whereas in fact the product in question consisted of a mixture of spirits of turpentine and mineral oil, said labeling being false and misleading in that it indicated that said product consisted of spirits of turpentine, and in that there was no statement upon the container of said product indicating that said product contained mineral oil, whereas in fact the mineral oil contained therein was an adulterant, and praying seizure, condemnation, and forfeiture of the product.

Thereupon the above mentioned W. R. Winn entered an appearance by his attorneys and signified his intention not to file any claim or answer in said action. The case coming on for hearing, the court being fully informed in the premises issued its decree condemning the same to the use of the United States for the reasons and causes set forth in said libel, with the proviso, however, that upon the execution and delivery of a good and sufficient bond to the United States in the penal sum of \$100 conditioned that said two barrels of turpentine should not be sold or otherwise disposed of contrary to law, the marshal of said district should release said two barrels of turpentine to the above mentioned W. R. Winn at the expense of the latter. Said bond having been furnished and costs paid by the claimant aforesaid, the product was forthwith released to him in accordance with the terms of said decree.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., February 25, 1911.

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 793, FOOD AND DRUGS ACT.

MISBRANDING OF TABLE SYRUP.

On or about November 2, 1909, Jacob M. Nathan, Grand Rapids, Mich., shipped from the State of Michigan to the State of Wisconsin a quantity of a food product labeled: "Vermont style fine table syrup. Cane and maple blended, 50% maple, 50% cane. Put up by Maple Products Co. St. Johnsbury, Vt. Chicago, Ill. Guaranteed under U. S. Pure Food laws to contain no drugs or preservatives." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain less than 35 per cent maple syrup. As the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Jacob M. Nathan and the party from whom the samples were procured were afforded opportunities for hearings, and as it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

On November 1, 1910, a criminal information was filed in the District Court of the United States for the Western District of Michigan against the said Jacob M. Nathan, charging the above shipment and alleging that the product so shipped was misbranded, in that the label above set forth, appearing on the containers of the product, conveyed the impression that said product consisted of a mixture of 50 per cent maple syrup, and 50 per cent cane syrup, when in truth and in fact it contained only 35 per cent maple syrup and about 65 per cent cane syrup, said statements being, therefore, false and misleading, and such as to deceive the purchaser.

On November 7, 1910, the defendant entered a plea of guilty to the above information, and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., February 25, 1911.

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United States Department of Agriculture,

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U. S. Department of Agriculture
OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 794, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF COTTONSEED MEAL.

On or about March 23, 1909, the J. Lindsay Wells Company, a corporation, Memphis, Tenn., shipped from the State of Tennessee into the State of Indiana a consignment of cottonseed meal. Samples from this shipment were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be a mixture of cottonseed meal and cottonseed hulls. As it appeared from the above examination and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said J. Lindsay Wells Company, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Western District of Tennessee against the said J. Lindsay Wells Company, Incorporated, charging the above shipment and alleging that the product so shipped was adulterated in that a substance, to wit, cottonseed hulls, had been mixed and packed with the said cottonseed meal so as to reduce, lower, and injuriously affect its quality, and in that said cottonseed hulls had been substituted in part for the said cottonseed meal. The information also alleged that the product so shipped was misbranded, in that said article was offered for sale and sold upon the representation that the same was choice cottonseed meal, thereby causing the purchaser to believe the same to be pure cottonseed meal, whereas in truth and in fact the same was a mixture of cottonseed meal and cottonseed hulls, and that the statement that said article was cottonseed meal was false and untrue.

Whereupon the said J. Lindsay Wells Company, Incorporated, moved to quash the above information upon the ground that the same violated that part of the fifth amendment of the Constitution of the

United States which provides that no person shall be held to answer for a capital or otherwise infamous crime unless upon presentment or indictment of a grand jury.

The motion came on for hearing and the court, being fully informed in the premises, rendered its opinion in form and substance as follows:

This is an action brought by the United States against J. Lindsay Wells Company under section 2 of the Act of June 30, 1906, on the charge of shipping from Memphis in the State of Tennessee, to Attica, in the State of Indiana, thirty tons of cotton seed meal, which article of food at Memphis, Tennessee, was adulterated.

The suit is brought upon information made by the United States District Attorney.

The defendants move to quash the information, upon the ground that the same violates that part of the Fifth Amendment of the Constitution of the United States, which provides that no person shall be held to answer for a capital or otherwise infamous crime, unless upon presentment or indictment of a grand jury.

The question presented is, whether or not the offense alleged to have been committed by the defendant is a capital or otherwise infamous crime?

It is, of course, not a capital crime, and if it is otherwise an infamous crime, the motion to quash must be allowed, since, under the authorities, it is well settled, that a prosecution can be maintained upon information made by the District Attorney for such a crime. *Ex parte Wilson*, 114 U. S., 417.

As I understand the authorities, they hold that any offense, the punishment for which may be imprisonment in the penitentiary, with or without hard labor, is an infamous crime. *Mackin v. U. S.*, 117 U. S., 348; *Parkinson v. U. S.*, 121 U. S., 281; *In re Claasen*, 140 U. S., 204.

On an examination of the Act under which this suit is instituted, I find that the punishment therefor is a fine not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense, not exceeding three hundred dollars, or by imprisonment not exceeding one year, or both, in the discretion of the Court.

Under the authorities above cited, it is held that a defendant can not be imprisoned in the penitentiary, unless the time for which he is sentenced shall be more than one year. Under the Act of June 30, 1906, the imprisonment can not exceed one year. Therefore, the Court has no power to sentence the defendant to imprisonment to the penitentiary because that would be in excess of the maximum time which the Court is authorized to imprison a party for such offense.

As I understand the authorities, they hold in substance that where the Court may imprison the accused for more than one year, the confinement must be in the penitentiary, and that fact, with or without labor, constitutes an infamous crime. Upon the other hand, where the period of imprisonment is for one year or less, the Court must imprison in a County Jail, and that would not be an infamous crime.

If the Court has the power to imprison for more than one year, the crime is infamous. If for a year or less, it is not infamous.

Under section 1022 of the Revised Statutes, it is provided that all crimes and offenses committed against the provisions of Ch. 7, entitled "Crimes," which are not infamous, may be prosecuted either by indictment or by information filed by the District Attorney.

It appearing from the foregoing that the crime for which the defendant is charged is not infamous, I am of the opinion that this suit can be maintained upon the information filed, and the motion to quash will be disallowed.

(Signed) McCall, Judge.

On December 3, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

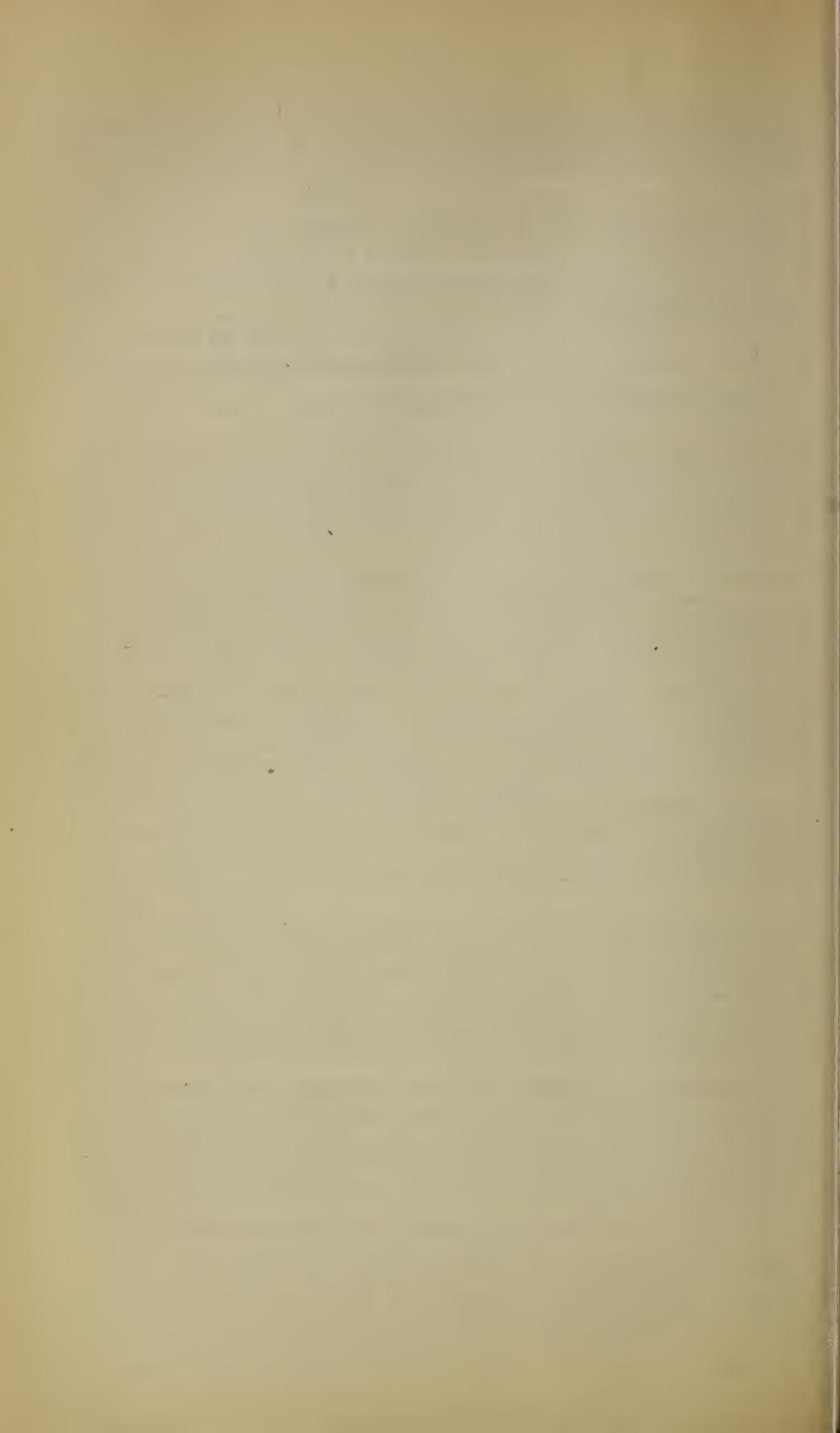
W. M. HAYS,

Acting Secretary of Agriculture.

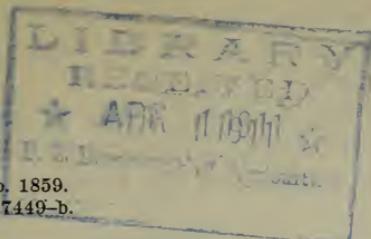
WASHINGTON, D. C., *February 27, 1911.*

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F. & D. No. 1859.
I. S. No. 17449-b.



Issued March 27, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 795, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"ANADOL."

On or about May 17, 1910, C. G. Wheeler, doing business under the name of the Wheeler Chemical Works, Chicago, Ill., shipped from the State of Illinois into the State of Michigan a consignment of a drug product labeled: "Anadol. Antipyretic and Anodyne. Useful in Neuralgia, Typhoid Fever, La Grippe, Sciatica, Acute Rheumatism, Hernicrania, also Headache and allied affections. It reduces temperature and relieves pain without subsequent ill effects. Dose—Three or ten grains, or one or two tablets. Can be safely used in from twenty to sixty grains during 24 hours. Wheeler Chemical Works, Chicago, Ill., Guaranteed * * * Serial No. 10249." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, with the following results: 0.2531 substance gave, caffein 1.33 per cent, acetanilid 82.72 per cent, equivalent to 361.9 grains per ounce; 0.3009 substance gave, caffein 1.29 per cent, acetanilid 82.75 per cent, equivalent to 362 grains per ounce. As the above analysis and report thereon showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said C. G. Wheeler, doing business as the Wheeler Chemical Works, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Northern District of Illinois against the

said C. G. Wheeler, charging the above shipment and alleging that the product so shipped was misbranded in that the bottles bore labels as stated above which said labels did not bear any statement as to the quantity of acetanilid contained in the bottles.

On December 21, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$100 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

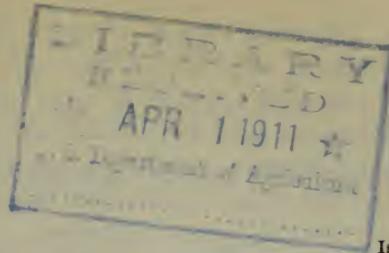
W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., February 28, 1911.

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F. & D. No. 1130.
I. S. No. 23964-a.

Issued March 27, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 796, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF APPLE PHOSPHATE.

On or about November 11, 1908, the Warner Jenkinson Company, a corporation, St. Louis, Mo., shipped from the State of Missouri into the State of Alabama a quantity of apple phosphate labeled "Guaranteed under the Food and Drugs Act, Serial No. 2008, Warner Jenkinson Co., St. Louis, Mo." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, with the following results: alcohol by volume 7.41 per cent, solids 3.22 per cent, reducing sugars (after inversion) 1.70 per cent, direct polarization +4.4°, invert polarization +4.4°, ash 0.125, alk. of sol. ash 10.9 cc, alk. insol. ash 4.0 cc, insol. ash 0.025, soluble ash by difference 0.00, P_2O_5 in sol. ash 3.3 mg, P_2O_5 in insol. ash 5.2 mg, total acidity (as malic) 0.412, volatile acid 0.022, fixed acids 0.362, reducing sugars direct 1.64.

As it appeared from the above analysis and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Warner Jenkinson Company, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Missouri against the said Warner Jenkinson Company, Incorporated, charging the above shipment and alleging that the product so shipped was adulterated in that said barrel or cask contained a liquid which was not apple phosphate, but was a liquid artificially compounded and

containing alcohol, reducing sugars, glucose, citric and phosphoric acid, and other chemicals; and that another substance, to wit, a compound of alcohol, reducing sugars, glucose, citric and phosphoric acids, and other chemicals had been substituted for the apple phosphate; and that said substance, to wit, a compound of alcohol, reducing sugars, citric and phosphoric acids, and other chemicals had been mixed and packed with the liquid contained in said barrel or cask so as to reduce and lower and injuriously affect its quality and strength; and that the product was misbranded in that it was a liquid, as aforesaid, and was an imitation and offered for sale under the distinctive name of another article.

The defendant entered a plea of guilty to the above information and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 1, 1911.*





Issued March 27, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 797, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"MIXER'S CANCER AND SCROFULA SYRUP."

On or about April 18, 1909, Charles W. Mixer, doing business under the name of Drs. Mixer, Hastings, Mich., shipped from the State of Michigan to the District of Columbia a quantity of a drug product consisting of seven packages constituting an alleged treatment for the cure of cancer, labeled, respectively: (a) "Mixer's Cancer and Scrofula Syrup"; (b) "No. 1 Wash"; (c) "No. 1 Alternative"; (d) "Cancer Reducer"; (e) "Cancer Paste"; (f) "Cancer Salve"; (g) "Cleanoine Soap Powder." With these drugs was a pamphlet called "The Truth," and in said pamphlet and on the labels of the packages above referred to were numerous statements as to the curative value of the treatment in question. Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the above seven packages were found to contain respectively: (a) A syrup containing potassium iodide, a small amount of vegetable ingredient similar to sarsaparilla, methyl salicylate flavoring, and about 6 per cent alcohol; (b) an ordinary solution of hydrogen peroxide; (c) a hydro-alcoholic solution containing a large amount of glycerine and small amount of vegetable matter similar to gentian; (d) a strongly alcoholic solution of camphoraceous oils combined with considerable glycerine; (e) an ointment paste made up with vaseline, including a large amount of ground flaxseed and camphoraceous oils and a substance resembling hyoscyamus or belladonna; (f) a salve composed of vaseline; (g) a powdered soap with borax and thymol. As the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Charles W. Mixer was afforded an opportunity for hearing. As it appeared after hearing held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

On November 5, 1910, a criminal information was filed in the District Court of the United States for the Western District of Michigan against the said Charles W. Mixer charging the above shipment and alleging that the drugs so shipped were misbranded, in that the alcohol present in the product labeled "Cancer and Scrofula Cure" was not declared on the label on the container thereof; in that the words "For the cure of Cancer" appearing on the label of the carton enclosing said remedy were misleading and deceptive, as they would induce the purchaser to believe said product to be a cure for cancer, which was contrary to fact; in that the statement "Greatest cancer * * * remedy of the age," appearing on the label of said carton, was false and misleading, inasmuch as said product was not the greatest cancer remedy of the age; in that the following statements appearing in the pamphlet above referred to, packed with the product, were false and misleading: "Our remedies give safe, speedy and certain relief to the most horrible forms of cancer of the breast, face, stomach, and womb"; "Our blood remedies cures and cures to stay cured"; "We have equally as good success with internal cancer as with external, and rarely fail to cure"; "Thousands of people die of cancer and malignant growth every year who would surely have been cured by our treatment"; "Diseases for which our treatment is especially intended and will cure. Cancers * * *"; "Thousands suffering from cancer and its kindred diseases have been perfectly cured by this great discovery"; "We have cured 86 per cent of all cases who have taken our treatment. This, we believe, is a better showing than any cancer specialist in this country can make"; "This valuable treatment is a positive safeguard and preventive against the development of cancer germ"; "A medicine sufficiently powerful to rid the system of every cancer * * * germ," said statements being false and misleading because they tend to mislead the purchaser into the belief that the product would cure cancer, which was contrary to the facts, and because the alcohol present in the product labeled "Cancer Reducer" was not declared upon the label.

On November 11, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

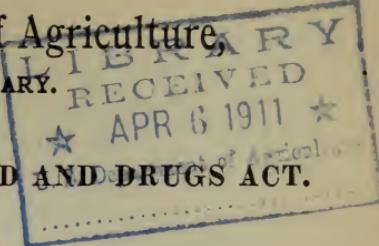
WASHINGTON, D. C., *March 1, 1911.*



United States Department of Agriculture

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 798, FOOD AND DRUGS ACT.



MISBRANDING OF COTTONSEED MEAL.

On or about December 1, 1908, the J. Lindsay Wells Company, a corporation, Memphis, Tenn., shipped from the State of Tennessee into the State of Kentucky a consignment of cottonseed meal. M. A. Scovell, Director of the Kentucky Agricultural Experiment Station, Lexington, Ky., acting under authority of the Secretary of Agriculture, caused a sample from the above shipment to be procured and analyzed with the result that the product was found to contain protein 17.90 per cent, fat 6.04 per cent, and fiber 23.26 per cent. As the findings of the analyst and report made indicated that the said cottonseed meal was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said J. Lindsay Wells Company, Incorporated, was afforded an opportunity for hearing. As it appeared after hearing held that the shipment was made in violation of the act, the said director of the Kentucky Agricultural Experiment Station reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

On May 7, 1910, a criminal information was filed in the District Court of the United States for the Western District of Tennessee against the said J. Lindsay Wells Company, Incorporated, charging the above shipment and alleging that the product so shipped was misbranded in that the said cottonseed meal bore certain brands and labels which set forth and represented that the product contained 41 per cent protein, whereas in truth and in fact the said cottonseed meal did not contain more than 20 per cent protein, and that said representations and statements upon said labels and brands were false and untrue.

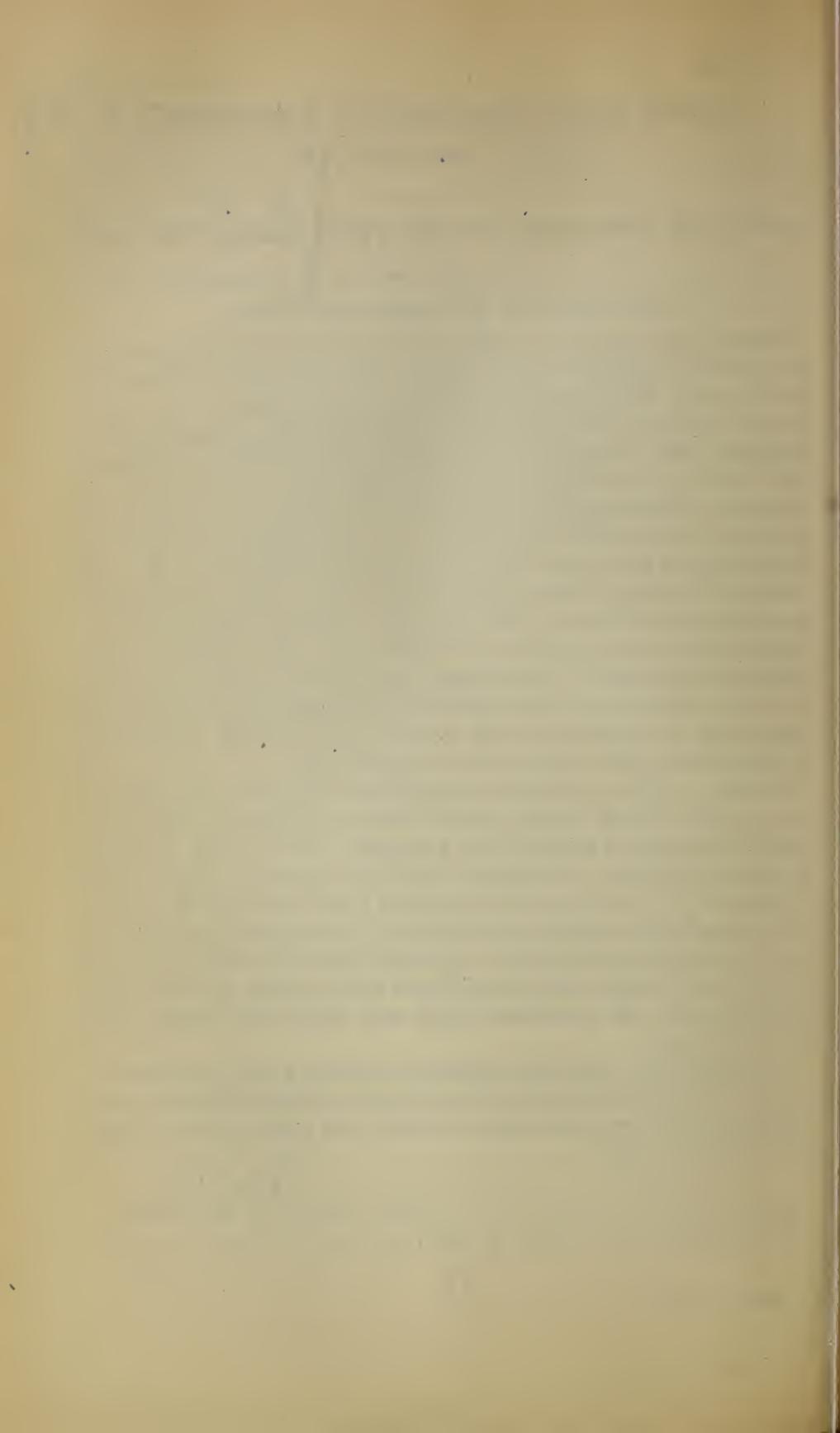
On December 3, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25 and costs.

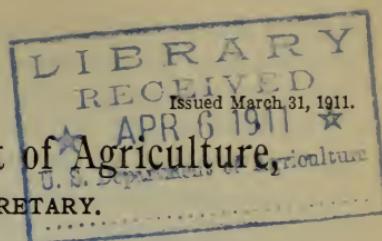
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., March 2, 1911.







United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 799, FOOD AND DRUGS ACT.

ADULTERATION OF FLOUR.

Some time during the month of April, 1910, the Kansas Milling and Export Company, Kansas City, Mo., shipped from the State of Missouri into the State of Tennessee 1,200 sacks of flour, of which 400 contained 48 pounds each, and 800 24 pounds each, all of said sacks being labeled: "Made from hard wheat for the Kansas Milling and Export Co., Kansas City, U. S. A., Stability Flour." Analysis by the Bureau of Chemistry, United States Department of Agriculture, of samples taken from this shipment showed said flour to have been bleached with nitrogen peroxid gas and to contain nitrous nitrogen in the proportion of 1.3 parts per million. As it appeared from the findings of the analyst and report made that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Middle District of Tennessee.

In due course a libel was filed in the District Court of the United States for said district against the said 1,200 sacks of flour, charging the said shipment and alleging that the flour so shipped was adulterated within the meaning of section 7 of the act because, as a result of bleaching with nitrogen peroxid gas, said flour contained 1.3 parts per million of nitrous nitrogen, an added poisonous and deleterious ingredient which rendered said product injurious to health, and praying seizure, condemnation, and forfeiture of said product.

On May 23, 1910, said libellant filed an amended libel, setting forth in greater particularity the facts and circumstances of the above-mentioned shipment and adulteration. Thereupon the Kansas Milling and Export Company, Kansas City, Mo., entered its appearance, set up claim to the said product, and filed an answer to said libel, which answer said libellant moved to be stricken from the files for the reason, among others, that it was not responsive to the allegations of the amended libel. By agreement between the attorneys for the Government and the claimant, this motion was not

argued nor passed upon by the court, but instead a stipulation was entered into by and between the parties to this suit, through their respective attorneys, whereby it was stipulated that the allegations of the libel and the amended libel in this cause be taken by the court to be true; that all the matters of fact so taken to be true should have the same force and effect as though found and determined by the court after hearing testimony on the part of the libellant therein, and that a decree of court be entered in said suit without notice, further agreeing that said stipulation should be made without prejudice as to any question of law or fact which may be involved in any other similar clauses then pending or thereafter instituted in the United States or other courts or to the right of counsel for the claimant therein in any such cases to contend for a decree, decision, or finding contrary to that therein stipulated to be made.

Whereupon, after due consideration of all the records and proceedings, the court entered its decree finding that said flour was liable to be seized, condemned, and confiscated as an adulterated article of food within the meaning of the Food and Drugs Act, approved by Congress June 30, 1906, for the reason that said flour before shipping the same from Missouri into Tennessee was treated by a process for the bleaching and whitening of flour, known as the Alsop process, whereby—

(a) Certain substances known as nitrites, nitrite reacting material, and nitrogen peroxid gas had been mixed and packed with said flour so as to reduce, lower, and injuriously affect its quality and strength in these respects, viz, that the capacity of said flour to change and improve as it would have changed and improved if aged and conditioned by natural processes, had been destroyed; that the elasticity of the gluten content of said flour had been lessened and impaired and other ingredients of said flour had been injuriously affected so as to reduce, lower, and impair its bread-making qualities;

(b) Said flour had been and was mixed, colored, and stained in a manner whereby damage and inferiority was concealed in these respects, among others, viz, that the inferiority or freshness or newness, an inferiority which is present in flour made from new wheat or in flour freshly milled from wheat that is either old or new, and an inferiority which manifests itself, among other things, in color, elasticity of gluten, and the quality of other ingredients which affect its value for bread-making purposes, had been and was concealed and said flour had been caused to simulate the appearance of flour made from wheat properly aged and conditioned by natural processes and of flour which had been properly aged and conditioned by natural processes after being milled, and that said treatment by the Alsop process concealed the inferiority of said flour by giving it the appearance of a better grade of flour than it really was;

(c) Said flour had been caused to contain and did contain added poisonous or other added deleterious ingredients, to wit, nitrates, nitrite reacting material, and nitrogen peroxid gas, which may render said flour injurious to health.

It was therefore ordered that the flour contained in the said 1,200 sacks be condemned and confiscated to the United States of America as an adulterated article of food and that the same be destroyed by the marshal; provided, however, that if the Kansas Milling and Export Company, the claimant therein, within thirty days from the date of said decree should pay to the United States all costs and charges incurred in said libel proceedings and execute a good and sufficient bond conditioned that the said flour or any part of it should not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act, or contrary to the laws of any State, Territory, District or insular possession, the marshal should deliver all of said flour to said claimant.

On October 24, 1910, the bond was duly executed by the Kansas Milling and Export Company in accordance with the provisions of the above-mentioned decree, which bond was filed with the court on October 31, 1910, the costs of these proceedings paid, and said flour was duly released to said claimant.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 2, 1911.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 800, FOOD AND DRUGS ACT.

ADULTERATION OF TOMATO PULP.

On or about November 12 and 23, 1910, there was shipped from the State of Maryland to the State of West Virginia 165 barrels of a food product labeled: "Tomato Pulp. Made from waste from tomato skins. Packed by Phillips Packing Company, Cambridge, Md. This package contains 6 oz. benzoate of soda;" said shipments being respectively, 100 barrels and 65 barrels. Samples of this product were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, with the result that the former shipment was found to contain yeasts and spores at the rate of 31 per one-sixtieth cmm, with bacteria estimated 200,000,000 per cc, molds being present in 90 per cent of the microscopic fields examined; while the latter shipment was found to contain yeast and spores at the rate of 64 per one-sixtieth cmm, with bacteria estimated 200,000,000 per cc, mold filaments being present in 70 per cent of the microscopic fields examined. As it appeared from the findings of the analyst and report made that the product was adulterated and that the shipments in question were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of West Virginia.

In due course libels were filed in the District Court of the United States for said district against the said 165 barrels of tomato pulp, charging the above shipments and alleging the product so shipped to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, and praying seizure, condemnation, and forfeiture of the product.

The cause coming on for hearing and no response or answer having been filed to the above libels, the court being fully informed in the premises issued its decree in the case finding the contents of the above mentioned barrels to be in a filthy, decomposed, and putrid condition and wholly unfit for human consumption, condemning and forfeiting the same to the United States and ordering the destruction thereof by the marshal of said district, the costs of these proceedings being assessed upon the consignee of the product.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., March 3, 1911.

83752—No. 800—11

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National City Dairy Co.	782	Semrad Chemical Co.	661
Sloan, Henry C., Co.	494, 736	Webb Mfg. Co.	408
Smithson, R.	377, 486, 537	Western Candy & Bakers Supply Co. (Inc.)	739
Volland's, D., Sons.	782	Extract, Peach:	
Eggs, Liquid:		Webster, E. R., & Co.	520
Brown, Morris.	224	Extract, Peppermint:	
Sloan, Henry, & Co.	224	Cook & Bernheimer (Inc.)	775
Eggs, Preserved whole:		Extract, Pineapple:	
Hipolite Egg Co.	508	Mobile Drug Co.	152
Thomas & Clarke.	508	Extract, Raspberry:	
Evaporated eggs. (<i>See</i> Eggs, Evaporated.)		Dwight-Edwards Co.	91
Extract, Almond:		Extract, Rose:	
Midland Grocery Co.	142	Western Candy & Bakers Supply Co. (Inc.)	739
Extract, Banana:		Extract, Strawberry:	
Webb Mfg. Co.	405	Dwight-Edwards Co.	91
Extract, Lemon:		Forbes Bros. Tea & Spice Co.	339
Atwood & Steele Co.	313	Howell, H. B., & Co. (Ltd.)	143
Beggs, Frank L.	237	King Bros., Shilstone & Saint (Ltd.)	122, 218
Burke, Nicholas, Co. (Ltd.)	115	Newton Tea & Spice Co.	380
California Perfume Co.	500	Warner-Jenkinson Co.	246
Campbell, J. S., Co.	259	Extract, Vanilla:	
Christian Bros. Co.	534	Blanke-Baer Chemical Co.	242
Closset & Devers.	536	Crown Mfg. Co.	640

FOODS—Continued.

Extract, Vanilla—Continued.	N. J. No.	Feeds, Oneida mixed:	N. J. No.
Ennis, Hanly, Blackburn Coffee Co.	148, 478	Waller, A., & Co.	400
Fitch, John H., Co.	140	Feeds, Stafolife:	
Hall-Whitney Mfg. Co.	663	Lawrence & Hamilton Feed Co. (Ltd.).	104, 477
Heekin Spice Co.	48	Feeds, Sucrene dairy:	
Heinle, Charles L., Specialty Co.	389	American Milling Co.	432
Interstate Chemical Co.	139	Fish:	
Ludlow-Robson Co. (Inc.).	548	Adamson, W. L., Co.	306
McCormick & Co.	135	Gorton-Pew Fisheries Co.	779
Meyer Bros. Drug Co. (Inc.).	738	Haff, A. W.	666
Monroe Pharmacal Co.	151	Higgins, Charles C., Co.	306
Paddock Coffee & Spice Co.	123	Kingsland & Comstock.	664
Puhl Mfg. Co.	320	McIntyre, J. K., Co.	306
St. Louis Coffee & Spice Mills.	301	Monterey Packing Co.	365
Sauer, C. F., Co.	532	Morano, Antonio.	779
Schmidt, K. J.	774	Orr, W. J., Fish Co.	306
Shepard Baking Powder Co. (Inc.).	730, 740	(See also Codfish; Sardines.)	
Standard Extract Co.	532	Flavor. (See Extract.)	
Steinbock & Patrick.	14	Flavoring powder, Vanilla:	
Williams, R. C., & Co.	692	Semrad Chemical Co.	659
Woodworth, C. B., Sons Co.	5	Flour:	
Wrisley, Allan B., Co.	662	Allen, H. F.	439
(See also Vanoleum.)		Brewer, W. C., & Co.	113
Extract, Wintergreen:		Carter, Seymour.	12
McMurray William.	764	The Gardner Mill.	12
Farina. (See Gluten farina.)		Hutton, C. A., Flour Co.	443
Feeds:		Kansas Milling and Export Co.	799
Biles, J. W., Co.	102	La Grande Milling Co.	439
Bridgeport Mills.	464	Orrville Milling Co.	13, 17
Capital Grain & Mill Co.	66	Riverton Mills Co.	113
Huff, Jesse B.	464	Wasco Warehouse Milling Co.	443
Kelly, L. H.	464	Woodworth, E. S., & Co.	374
Mountain City Mill Co.	786	(See also Buckwheat; Corn; Gluten; Milk; Rye flours.)	
Read Bros.	463	Flour, Bleached:	
Wells, J. Lindsay, Co.	230	Aetna Mill & Elevator Co.	382
(See also Bran; Cerecut; Chicken feed; Meal; Oats.)		Alsop Process Co. (writ of mandamus).	498
Feeds, Badger dairy:		Lexington Mill & Elevator Co.	722
Krause, Charles A., Milling Co.	172	Shawnee Milling Co. (bill in equity).	497
Feeds, Banner:		Updike Milling Co. (bill in equity).	497
Dewald, N.	171	Frou Frou biscuits. (See Biscuits, Frou Frou.)	
Quaker Oats Co.	171	Frozen eggs. (See Eggs, Frozen.)	
Feeds, Boss chop:		Fruit syrups:	
Great Western Cereal Co.	468	National Sales Co.	328
Feeds, Corn alfalfa horse:		Shields, Victor E.	328
Guthrie & Co.	322	Shields, William H.	328
Feeds, Corn chop:		(See also Cherry syrup.)	
McEwen Grain Co.	540	Ginger ale. (See under Drugs and medicinal agents.)	
Feeds, Globe flour middlings:		Globe flour middlings. (See Feeds.)	
Daily, E. P.	119	Gluten farina:	
Globe Elevator Co.	314	Acme Mills Co.	250
Feeds, Gluten:		Gluten feed. (See Feeds.)	
Clinton Sugar Refining Co.	391	Gluten flour:	
Feeds, International gluten:		Acme Mills Co.	250
Globe Elevator Co.	315	The Birkett Mills.	3
Feeds, International sugared:		Grains. (See Feeds.)	
International Sugar Feed Co.	533, 691	Grape juice:	
Worke, R. H., & Co.	533	Bass Islands Vineyards Co.	450
Feeds, Michigan gluten:		Hen-e-ta bone grits:	
Michigan Starch Co.	116, 117	Hen-e-ta Bone Co.	625
Feeds, Mueller's molasses grain:		Herring:	
Dickerson, Samuel T., Jr.	435	Grilly, J. H.	257
Hellman, Joseph W.	174	Whitfield, J. A., Co.	257
Mueller, E. P.	174, 256, 435		
Pillsbury, Herbert P.	256		

FOODS—Continued.

	N. J. No.	N. J. No.																																																																																																																																																																					
Honey:		Macaroni—Continued.																																																																																																																																																																					
Boeckmann, A.	269	Manoco, Salvatore.....	776																																																																																																																																																																				
Pahl, E. R., & Co.	352	Ricchezza, A.....	600																																																																																																																																																																				
Rogers Holloway Co.	18,19,20,21	Romeo, F., & Co.....	491																																																																																																																																																																				
Ice:		Ventrone, F. P.....	167																																																																																																																																																																				
American Ice Co.	299	Verno, L.....	776																																																																																																																																																																				
Kimberly, Samuel A.	299	Viviano, V., & Bros.....	262,658																																																																																																																																																																				
Ice cream:		(See also Noodles; Spaghetti.)																																																																																																																																																																					
Bischof, Joseph J.	438	Macaroni, Egg:																																																																																																																																																																					
Wallis, Hugh.....	213	Barber & Perkins.....	652																																																																																																																																																																				
Ice cream clams:		Cleveland Macaroni Co.....	652																																																																																																																																																																				
Consolidated Wafer Co. (Inc.)	672	Manana Gluten breakfast food:																																																																																																																																																																					
Ice cream cones:		Fuller, Dr. Frank.....	470																																																																																																																																																																				
Consolidated Wafer Co. (Inc.)	672,724,725	Health Food Co.....	470																																																																																																																																																																				
Star Wafer Co.	668	Maple sirup. (See Sirup, Maple.)																																																																																																																																																																					
Valvona Marchiony Co.	669	Maple sugar:																																																																																																																																																																					
Ice cream powder, Cream-x-cel-o:		Beeman, J. M., & Son.....	107																																																																																																																																																																				
Acme Extract & Chemical Works.....	402	Mapleine:																																																																																																																																																																					
Eckert, Edwin G.....	402	Crescent Mfg. Co.....	163																																																																																																																																																																				
International gluten. (See Feeds.)		Meal:																																																																																																																																																																					
International Sugared feeds. (See Feeds, International Sugared.)		Weidler, S. W.....	44																																																																																																																																																																				
(See also Alfalfa meal; Corn meal; Cotton-seed meal; Rice meal.)		Jam:		Michigan gluten feed. (See Feeds, Michigan, gluten.)	Boyle, John & Co.....	499	Milk:	Jam, Apricot:		Allen, John.....	88	Stetson-Barrett Co.....	716	Altemus, Frank E.....	88	Jam, Cherry:		Altman, George P.....	347	St. Louis Syrup & Preserving Co.....	476	Armstrong, Laban B.....	335	Stetson-Barrett Co.....	716	Atwood, T. J.....	527	Jam, Currant:		Bean, Mike.....	628	Home Fruit Co.....	641	Berman, Soul.....	88	Saufer, Samuel Y.....	641	Boberink, Henry A.....	219,607,673,674	Jam, Fig:		Bosworth, A. A.....	521	Stetson-Barrett Co.....	716	Boyle, M.....	132	Jam, Loganberry:		Bruce, W. E.....	421	Bishop & Co.....	602	Carney, Charles W.....	437	St. Louis Syrup & Preserving Co.....	476,698	Carr, Nettie.....	267	Jam, Strawberry:		Chaffee, O. S.....	524	Bishop & Co.....	602	Chichester, Washington B.....	265	St. Louis Syrup & Preserving Co.....	476,698	Corbin, Thomas.....	125	Jelly, Apple:		Danielson, Jonas.....	528	Williams Bros. Co. (Inc.)	238,552	Deterding, C.....	11	Jelly, Currant:		Ducker, Henry.....	125	Long Syrup Refining Co.....	415	Dunnaway, Owen.....	125	Jelly, Sugar-glucose:		Earnshaw, J. W.....	517	Johnson, Edward C.....	580	Evers, B., & Sons.....	125	Johnson, H. A., Co.....	580	Feaster, Edgar W.....	338	Walz, Henry J.....	580	Ficke, W. M.....	125	Ketchup. (See Tomato ketchup.)		Fisher, John.....	586	Lemon extract. (See Extract, Lemon.)		Fitzgerald, William.....	526	Lemon oil:		Geiger, Joseph.....	125	Hutchinson, David W.....	196	Griebler, Andreas.....	37	Shoemaker & Busch.....	393	Griffith, Howard.....	88	Weeks, O J.....	505	Groger, Henry.....	81	Lemonade powder:		Groger, Theodore.....	125	Columbia Mfg. Co.....	279	Hall & Lewis.....	512	Morrissey, Charles T.....	279	Harbin, Charles.....	88	Linseed meal:		Hattenkemer, Philip.....	88	Brown, Robert B., Oil Co. (Inc.)	728	Hildebrand, George L.....	312,557	Liquid eggs. (See Eggs, Liquid.)		Hogan, W. F.....	125	Loganberry preserves. (See Preserves, Loganberry.)		Holt, Patrick B.....	88	Macaroni:		Horine, Edwin M.....	503	Atlantic Macaroni Co.....	167,487	Huff, William.....	423	Lacavara, Carmen.....	776	Jarboe, Grover F.....	88
Jam:		Michigan gluten feed. (See Feeds, Michigan, gluten.)																																																																																																																																																																					
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Lacavara, Carmen.....	776	Jarboe, Grover F.....	88																																																																																																																																																																				

FOODS—Continued.

Milk—Continued.

Jennings, W. G.	522
Johnson, W. F.	125
Jones, Lawrence B.	502
Kalser, Fred E.	632
Kanode, Robert E.	214
Kirby, J. C.	125
Klein, M. J.	420
Knott, Thomas E.	753
Koechlin, Edward J.	680
Kotzenberg, J. C.	132
Lewis, Richard.	512
Mace, Frank.	88
Mack, Albert.	214, 590
Meiman, John.	125
Meyer, Jacob.	515
Mullins, B. M., & Sons.	125
Nestley Bros.	587
Nostheide, Henry.	125
Null, William C.	287
Peoples, Charles, Jr.	125
Perry, W. H.	125, 588
Piercy, Mrs. M. S.	510
Poore, Julia.	88
Reeves, George R.	214
Reeves, Willie.	125
Robinson, Lyman T.	214
Sanger, William A.	88
Schackle, Stephen.	125
Schapiro, Albert.	88
Schutte, Lewis.	638
Shumaker, Maggie.	514
Siddall, Blanche D.	88
Smith, Hiram H.	460
Soper, William W.	228
Stark, Frank.	419
Strassen, Daniel.	8, 9
Stup, David.	214
Terry, Clark O.	523
Vernon, Charles E.	88
Volz, Joseph.	629
Walter, Charles A.	229
Warner, C. L., Jr.	525
Whitehead, William W.	88
Williams, C. E.	132
Wilson, Charles G.	787
Willson, George A.	538, 719, 788
Wisconsin Butter & Cheese Co.	206
Wise, George A.	88
Zimmerman, William D.	370

Milk, Condensed:

Libby, McNeill & Libby, Ltd. (Inc.)	223
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Milk, Powdered:

Beckman, W. E., & Co.	273
Ekenberg Milk Products Co.	273

Milk flour:

Behrend, F.	211
Kuhnle, H. J., Co.	211

Mince-meat:

Brenneman, W. H.	765, 766
Rice, Ervin A., Co.	639

Molasses:

Berry-Maybrun Co.	234
Coe, C. E.	270
Duff, P., & Sons	667
Duff, Robert P.	667

Molasses—Continued.

Kitzmiller, Edward A.	667
National Mfg. Co.	541
Penick & Ford.	2
Philadelphia Horse & Cattle Molasses Co.	254
White, Wilson, Drew Co.	24
Molasses grain. (<i>See</i> Feeds, Mueller's molasses grain.)	
Mueller's molasses grain. (<i>See</i> Feeds, Mueller's molasses grain.)	
Neufchatel cheese. (<i>See</i> Cheese, Neufchatel.)	
Noodles, Egg:	
Barber & Perkins.	652
Cleveland Macaroni Co.	652, 734
Sinclair, Edward S.	734
(<i>See also</i> Macaroni; Spaghetti.)	
Noodles, Yando egg:	
Bisi, Ernesto.	686
U. S. Macaroni Co.	686
Oats:	
Bartlett Commission Co.	58
Central National Bank.	378
Conklin, H. K.	452
Edgar, J. B., Grain Co. (Inc.)	759
Gibbons, John T.	650
Harsh, Alex. C., & Co.	76, 409
Interstate Warehouse & Elevator Co.	101
McLemore Grain Co.	406
Miller, L. F., & Sons.	334, 582
Pendleton Grain Co. (Inc.)	452, 650, 748, 749, 752
Polk, James K.	409
Rothschild, D., Grain Co.	385
St. Louis Hay & Grain Co.	378
Wade, John, & Sons.	381
Williams, P. P., Grain Co.	379
(<i>See also</i> Cereals.)	
Oats, Scotch. (<i>See</i> Scotch oats.)	
Oil. (<i>See</i> Olive oil.)	
Olive oil:	
Bertin & Lepori.	417
Bertolli, F.	617
Pastene, P., & Co.	648
Brina, Guido.	80, 473 (suppl. to 80)
Calogera, George P.	386, 710
Cristani, Maria.	247
Cusimano & Tujague Co.	574
Drake Bros. Co.	605
Drivas, George.	360
Farrington & Whitney (Inc.)	751
Fiore, A., & Co.	706
Garrasi, Ettore M.	489
Getz Bros. & Co.	441
Gross, Anna.	340
Gross, Ignatius.	340
King Bros., Shilstone & Saint (Ltd.)	133, 217
Lange Bros.	348
Lekas & Drivas.	360
Lucca Olive Oil Importing Co.	453, 634
Maddaloni, Donato.	535
Marchesini, Gaetano.	397
Marchesini Bros.	617, 654
Palma, Concetta.	634
Philadelphia Importing Product Co.	489
Standard Trading Co.	80
Strohmeyer & Arpe Co.	565
Swift & Co.	472

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Olive oil—Continued.	N. J. No.	Pineapple—Continued.	N. J. No.
Tujague, Leon.....	574	Reese, Parvin & Co.....	456
Viviano, S., & Bros.....	783	Taylor, Paul, Brown Co.....	456
de Vivo, Pasquale.....	244	Pineapple extract. (<i>See Extract, Pineapple.</i>)	
Olives:		Pineapples:	
Cusimano & Tujague Co.....	578	Pearl City Fruit Co. (Ltd.).....	695
Favalora, F. G.....	577	Plums:	
Marrone & Lofaro.....	560	California Canneries Co.....	92
Psaki Bros.....	647, 649	Witwer Bros. Co.....	92
Oneida mixed feed. (<i>See Feeds, Oneida mixed.</i>)		Port wine. (<i>See Wine.</i>)	
Orange extract. (<i>See Extract, Orange.</i>)		Powdered eggs. (<i>See Eggs, Powdered.</i>)	
Orangeade powder:		Preserved eggs. (<i>See Eggs, Preserved whole.</i>)	
Columbia Manufacturing Co.....	279	Preserves:	
Morrissey, Charles T.....	279	Middleby, Joseph, jr. (Inc.).....	567
Oysters:		Numsen, William, & Sons (Inc.) 108, 212, 222	
Decker, D. B.....	447	St. Louis Syrup & Preserving Co.....	703
Roberts, Lee J.....	789	Williams Bros. Co. (Inc.)..... 551, 552, 553, 554	
Rowe, H. C., & Co.....	448, 475	Preserves, Blackberry:	
Peach brandy. (<i>See Brandy, Peach.</i>)		St. Louis Syrup & Preserving Co.....	701
Peach butter:		Preserves, Loganberry:	
Van Lill, S. J., Co.....	592	Long Syrup Refining Co.....	415
Peach extract. (<i>See Extract, Peach.</i>)		Seattle & Puget Sound Packing Co.....	509
Peach preserves. (<i>See Preserves, Peach.</i>)		Preserves, Peach:	
Peaches:		St. Louis Syrup & Preserving Co.....	700
Armsby, J. K., Co.....	34, 35	Preserves, Raspberry:	
California Canneries Co.....	92	Johnson, Thomas V. L.....	581
Cochran Grocery Co.....	186	Logan, Hiram H.....	581
Kern, Henry F.....	153	Logan, Johnson & Co.....	581
Miller, Clagett Co.....	153	Quince jam. (<i>See Jam, Quince.</i>)	
Ridenour-Baker Mercantile Co.....	34	Raisins:	
Whiteman, C. P.....	35	Armsby, J. K., Co.....	531, 596
Witwer Bros. Co.....	92	Berg, John C.....	146
Peanuts:		Comly Flannigan & Co.....	162
Farr, W. Alfred.....	368	Connecticut Pie Co.....	145
Vegetarian Meat Co.....	253	Doebereiner, M. J.....	367
Pears:		Ewald, John C.....	162
California Canneries Co.....	92	Malaga Packing Co.....	145
Witwer Bros. Co.....	92	Paden, R. J. (or A. J.).....	316
Peas:		Rosenberg Bros. & Co.....	531
Hohenadel, P., jr., Canning Co.....	43, 321	Walker, W. B., & Sons.....	596
Humphreys, J. F., & Co.....	90	Wells, Joseph.....	531
Kewaunee Canning Co.....	542	Raspberry extract. (<i>See Extract, Raspberry.</i>)	
Reynolds Preserving Co.....	90	Rice:	
Van Camp Packing Co.....	70, 165	Harris, S. H.....	190
Wichita Wholesale Grocery Co.....	542	Rice meal:	
Pepper:		West Point Mill Co.....	579
Bennett, Sloan & Co.....	297	Rusk, Holland:	
Calumet Tea & Coffee Co.....	288	Schellings, Joseph.....	429
Dean, Harry W.....	158	Rye flour:	
Hanley & Kinsella Coffee & Spice Co.....	210	Hastings Milling Co.....	131
Idaho Wholesale Grocery Co.....	516	Kern, J. B. A. & Sons.....	69
Interstate Chemical Co.....	28	Northern Milling Co.....	354
Long Bros. Grocery Co.....	120	Salad oil. (<i>See Olive oil.</i>)	
Newton Tea & Spice Co.....	655	Salt:	
Parrish Bros.....	159	Inland Crystal Salt Co.....	280
Powell-Sanders Co.....	75	Powell-Sanders Co.....	280
Spies, Chas., & Co.....	164	Sardines:	
Wixon Spice Co.....	516	Bowers, B. O., Co.....	282, 395
Phosphate, Apple:		Northern Maine Packing Co.....	490
Warner Jenkinson Co. (Inc.).....	796	Rosenstein Bros.....	490
Phosphate, Calcium acid:		Scotch oats:	
Provident Chemical Co.....	300, 656	Quaker Oats Co.....	620
Pineapple:		Sherry. (<i>See Wine.</i>)	
Dudley, U. H., & Co.....	456	Silver dragées:	
Hawaiian Development Co.....	436	French Silver Dragée Co.....	249,
Parrott & Co.....	436		543 (suppl. to 249)
		Oriental Dragée Co.....	176

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	N. J. No.	N. J. No.	
Sirup:			
Corn Products Refining Co.	458	Tomato pulp:	
Farrell & Co.	110, 302	Hearn Co.	717
Gross, Kelly & Co.	302	Norris, W. E., & Co.	744
Marshalltown Syrup & Sugar Co.	469	Philadelphia Pickling Co.	744
Rigney & Co.	325	Phillips Packing Co.	800
Sirup, Cane:		Tomatoes:	
Alabama-Georgia Syrup Co.	127	Ayers, B. S., & Sons Co.	671
Tolman, John A., & Co.	271	Ayers, C. B., Canning Co.	671
Wilder, D. R., Mfg. Co.	106, 324	Baker, C. W., & Sons.	555
Sirup, Cherry. (<i>See</i> Cherry sirup.)		Boyle, John, Co.	309
Sirup, Corn:		Charles, R. G.	555
Bubb, George, & Sons.	100	Dixon Canning Co.	518
Corn Products Refining Co.	100	Henkel-Duke Mercantile Co.	97
Sirup, corn and sorghum compound:		Levin, Isador.	455
St. Louis Syrup and Preserving Co.	699	Macklin, J. W.	251
Sirup, Maple:		Newburg Canning Co.	542
Baker Preserving Co.	209	Pierson, J. J.	518
Charboneau, E. A., Co.	98	Ridenour-Baker-Bragdon Co.	77
Glaflke, W. B. Co.	591	Riverdale Canning Co.	97
Gordon Syrup Co.	412	Sears & Nichols Co.	85
Israel, Chas., & Bros.	198	Seeman Bros.	251
Nathan, Jacob M.	793	Syracuse Canning Co.	77
Pacific Coast Syrup Co.	74, 99	Wichita Wholesale Grocery Co.	542
Rigney & Co.	384, 403	Wilson, Dr. W.	542
Scanlon, H. Y.	47	Vanilla extract. (<i>See</i> Extract, Vanilla.)	
Scudder Syrup Co.	33	Vanilla flavoring powder. (<i>See</i> Flavoring powder, Vanilla.)	
Scully, D. B., Syrup Co.	290	Vanoleum:	
Sherman, Charles W.	603	Corrizo Extract Co.	619
Tolman, John A., & Co.	271	Vinegar:	
Western Reserve Syrup Co.	47, 283, 376	Baltimore Mfg. Co.	61, 62, 394, 561
Wood, Daniel.	603	Barrett & Barrett.	289, 318, 690
Sirups. (<i>See</i> Fruit sirups.)		Board, Armstrong & Co.	311, 584
Sorghum. (<i>See</i> Sirup, Corn.)		Braun, A., Mfg. Co.	195, 195 suppl.
Spaghetti:		Carroll, M. O., Grocery Co.	169
Nunziato, L., & Son.	493	Chandler, B. T., & Son.	653
(<i>See also</i> Macaroni, Noodles.)		Erdmann's, H., Sons.	570
Stafolife. (<i>See</i> Feeds, Stafolife.)		Gordon, Charles W.	679
Stock feed. (<i>See</i> Feeds.)		Gordon Vinegar Co.	189, 679
Strawberry extract. (<i>See</i> Extract, Strawberry.)		Gregory, O. L.	597
Strawberry jam. (<i>See</i> Jam, Strawberry.)		Gregory, O. L., Vinegar Co.	286, 593
Sucrene dairy feed. (<i>See</i> Feeds, Sucrene dairy.)		Gregory Wallace Vinegar Co.	616
Sugar:		Harbauer-Marleau Co.	187, 274, 687, 720
Corn Products Refining Co.	723	Harrison, H. P., & Co.	561
Sugar-glucose jelly. (<i>See</i> Jelly, Sugar-glucose.)		Hirsh, Charles L.	197
Tomato ketchup:		Hughes, R. M., & Co.	278
Alart & McGuire.	599, 670	Illinois Vinegar Mfg. Co.	23
Briere, Paul & Co.	599	Ingham Vinegar Co.	398
Chance's, R. C., Sons.	763	Keller-Lorenz Co.	243
Cree, H. E.	604	Knadler & Lucas.	169, 373
Diamond Mfg. Co.	474	Leroux Cider & Vinegar Co.	168, 200, 621, 685
Dodson-Braun Mfg. Co., Inc.	732	Mills Preserving Co.	199
Jersey Packing Co.	781	Mount Pickle Co.	678
New Blue Grass Canning Co.	622	Oakland Vinegar & Pickle Co.	193, 232, 688
Soper, A. C., & Co.	760, 761	Oklahoma Supply Co.	23
Squire-Dingee Co.	388	Paxton & Gallagher Co.	626
Van Camp Packing Co.	111	Price & Lucas Cider & Vinegar Co.	73, 240
Van Lill, S. J., Co.	79, 156	Prussing Bros.	304, 642
Weller, J., Co.	604	Ritchie & Co.	373
Tomato paste:		Robinson Cider & Vinegar Co.	207
Roncoroni, Pietro, Co.	762, 767	Saunders', E. A., Sons Co.	62

FOODS—Continued.

Water:	N. J. No.	Whisky—Continued.	N. J. No.
Arlington Bottling Co.	94	Kohlmeyer, Jacobs & Hyamns Co. (Ltd.)	353
Basic Lithia Water.	59	Lanahan, William, & Sons	595
Finley, Frank M.	175	Louisiana Distillery Co. (Ltd.)	68
French Lick Springs Hotel Co.	121	Person's, C., Sons	15
Great Bear Spring Co.	41	Ross, Chas. H., & Co.	45, 350
Lindsay, John C., & Co.	375	Thierman, H. A., & Co.	349
Meisezahl, Charles, Mfg. Co.	78		
Tuckahoe Mineral Springs Co.	424		
Wood, Otis H.	59		
Whey product. (<i>See</i> Butter.)			
Whisky:			
Davis & Atkins.	361	Dorn, John G.	83
Gooderham & Worts.	15	Garguilo, P., & Co.	737
Hannis Distilling Co.	353	Schmidt, Jr., A., & Bros. Wine Co.	83
		Sweet Valley Wine Co.	83
		Wine, Hochheimer:	
		Empire State Wine Co.	711
		Wine vinegar. (<i>See</i> Vinegar.)	

DRUGS AND MEDICINAL AGENTS.

Aceton:	N. J. No.	Cactico hair grower:	N. J. No.
Wheeler, Horace N.	233	Graham, Mrs. Gervaise	715
Anadol:		Cadomene concentrated compound, tincture:	
Wheeler, C. G.	795	Prescription Products Co.	697
Wheeler Chemical Works.	795	Cafe-Coca compound:	
Analgine tablets:		Athens Bottling Works	235
Analgine Tablet Co.	276	Bowden, C. C.	235
Burns, George W.	276	Bowden, F. H.	235
Aniseed sirup, Gauvin's:		Camphor:	
Gauvin, J. A.	773	Arthur Chemical Co.	221
Antimalarico, Ferro-China:		Dow & Snell Co. (Inc.)	550
Saunig, A., & Co.	745	Cancer, Dr. Johnson's mild combination treatment for:	
Asafoetida:		Johnson, O. A.	266
Bruen, Ritchey & Co.	583	Cancer and scrofula cure, Mixer's:	
Ritchey, William P.	583	Mixer, Charles W.	797
Thompson, F. A., & Co.	157	Cancer cure:	
Az-ma-syde:		Curry, Dr., Cancer Cure Co.	507
Asthma Remedy & Mfg. Co.	727	Miller, A. J.	635
Doble, Arthur H.	727	Cancerine:	
Balmwort, compound fluid:		Wilson, C. Henry	427
Prescription Products Co.	697	Cancerol:	
Beaver and oil compound:		Leach, Leon T.	606
Spiegel, Morris	239	Cardiol, Compound essence of:	
Belladonna root:		Prescription Products Co.	697
Hopkins, J. L., & Co.	754	Cascara, Blackburn's, etc.:	
Bitters:		Blackburn, Robert	32
Imperial Distilling & Cordial Co.	483	Victory Remedy Co.	32
(Bitters) Antimalarico, Ferro-China:		Catarrh, Remedy for hay fever and:	
Saunig, A., & Co.	745	Ryno, E. H.	323
Bitters, cocainized pepsin cinchona:		Catarrh tablets, Stuart's:	
Davis, R. W., Drug Co.	735	Stuart, F. A., Co.	718
Miller, J. F.	735	Celery Cola:	
Bitters (Fernet-Branca):		Altman, J. W.	326
Dunno, F.	726	Birmingham Celery Cola Co.	326
Gandolfi, L., & Co.	726	Bradley, J. G.	326
Bitters (Fernet Milan):		Hawkins, J. F.	326
Saunig, A., & Co.	743	Cloves—Amboyna, Powdered:	
Blackberry cordial, H. F. L. Hamilton:		Hopkins, J. L., & Co.	754
Shufeldt, Henry A., & Co.	612	Coca cream:	
Blackburn's cascara, etc.:		American Beverage Co. (Inc.)	741, 742
Blackburn, Robert	32	Cocain hydrochlorid:	
Victory Remedy Co.	32	Abell, J. Roach	10
Brant's soothing balm:		Cocain:	
Brant, J. W., Co., (Ltd.)	777	Crescelius, Charles	646
Break-up-the-grip tablets:		Cocainized pepsin cinchona bitters:	
Langham, John D.	707	Davis, R. W., Drug Co.	735
Bromo febrin:		Miller, J. F.	735
Smaw, William H.	182		
Buchu gin. (<i>See</i> Gin, Buchu.)			

DRUGS AND MEDICINAL AGENTS—Continued.

Cod liver oil, Elixir of:	N. J. No.	
Ingram, Frederick F., & Co.	598	
Cod liver oil compound:		
St. Johns, H. W., Co.	303	
Waterbury Chemical Co.	303	
Coke extract:		
Kumfort Co.	309	
Pilsbury, A. L., Jr.	236	
Scott, J. A.	309	
Cola queen:		
Warner-Jenkinson Co. (Inc.)	785	
Cola syrup:		
Mound City Extract Co. (Inc.)	731	
Cold and gripe tablets:		
Tinsman, J. F.	769	
Waldron Drug Stores	769	
Colocynth, Powdered:		
Gilpin, Langdon & Co. (Inc.)	183	
Huber & Fuhrman Drug Mills	192	
McIlvaine Bros.	390	
Murray & Nickell Mfg. Co.	292	
Cordial. (<i>See</i> Blackberry cordial.)		
Cuforhedake Brane-fude, Harper's:		
Harper, Robert N.	25	
Damiana extract:		
Stearns, Frederick, & Co.	345	
Damiana gin. (<i>See</i> Gin, Damiana.)		
Damiana Royal Brand Celebrated nerve invigorator:		
Steinhardt Bros. & Co.	501	
Danderine:		
Knowlton Danderine Co.	284	
Dandruff cure, Mrs. Graham's:		
Graham, Mrs. Gervaise	454	
Drug-habit cure:		
Starnes, W. A.	694	
Tucker, W. J.	693	
Eames' Tonic headache wafers:		
Celery Cracker Medicine Co.	449	
Eau Sublime hair coloring:		
Guilmard, Hippolyte	434	
Epp-o-tone:		
La Cottel Mfg. Co.	433	
Eyelin:		
Eyelin Co.	181	
Fahrney's, Dr., teething syrup:		
Fahrney, D., & Son	144	
Failing's headache powder:		
Failing-Nellis Drug Co.	624	
Falck's One-Minute headache cure:		
Carslake, Will H.	418	
Falck, John A., Co.	418	
Febrisol, Tilden's:		
Tilden Co.	780	
Flag salt:		
Flag Salt Remedy Co.	495	
“Funny-how-quick” headache and neuralgia cure:		
Funny-how-quick Co.	568	
Harriman, J. Maro, Drug Co.	568	
Gauvin's aniseed syrup:		
Gauvin, J. A.	773	
Geneva gin. (<i>See</i> Gin, Geneva.)		
Gentian root, Powdered:		
Hopkins, J. L., & Co.	754	
Gin, Buchu:		N. J. No.
Baird-Daniels Co.	134	
Beitzel, A. E.	134	
Bouvier, Dr. C., Specialty Co.	160	
Gin, Damiana:		
Kaufman, Henry F.	245	
Gin, Geneva:		
Blum, A., Jr.'s Sons (Inc.)	770, 771	
Gin-Seng-Gin:		
Gin-Seng-Gin Co.	327	
Shields, Victor E.	327	
Shields, William H.	327	
Ginger ale:		
American Beverage Co. (Inc.)	741	
Gowan's pneumonia cure:		
Gowan Medical Co.	180	
Graham's, Mrs., dandruff cure:		
Graham, Mrs. Gervaise	454	
Grip, Break-up-the-tablets:		
Langham, John D.	707	
Grippe tablets, Cold and:		
Tinsman, J. F.	769	
Waldron Drug Stores	769	
Hair coloring, Eau Sublime:		
Guilmard, Hippolyte	434	
Hair grower, Lactico:		
Graham, Mrs. Gervaise	715	
Hair tonic, La Tosca:		
Lombardo, J. L.	319	
Hamilton, H. F. L., blackberry cordial:		
Shufeldt, Henry H., & Co.	612	
Harper's Cuforhedake Brane-fude:		
Harper, Robert N.	25	
Hay fever and catarrh, Remedy for:		
Ryno, E. H.	323	
Headache and neuralgia cure, “Funny-how-quick”:		
Funny-how-quick Co.	568	
Harriman, J. Maro, Drug Co.	568	
Headache cure, Falck's One-Minute:		
Carslake, Will H.	418	
Falck, John A., Co.	418	
Headache cure, Kinne's:		
Kinne Medicine Co.	346	
Headache cure, Dr. Kohler's Antidote:		
Kohler Mfg. Co.	329	
Headache cure, O. K.:		
Houston Drug Co.	208	
Headache cure, Dr. Parker's Universal:		
Plank, W. R., Drug Co.	191	
Headache cure, Ramon's Pepsin:		
Brown, Henry R.	465	
Brown Mfg. Co.	465	
Headache cure, Sherman's:		
Woodward, Orator F.	709	
Headache cure, Stanley's Instant:		
Pierson, Stanley K.	708	
Headache cure, Wells' Dime:		
Wells Medicine Co.	630	
Headache powder, Failing's:		
Failing-Nellis Drug Co.	624	
Headache powders:		
Gearan, J. F.	569	
Headache powders, Dr. Peters':		
Delaware Drug Co.	643	

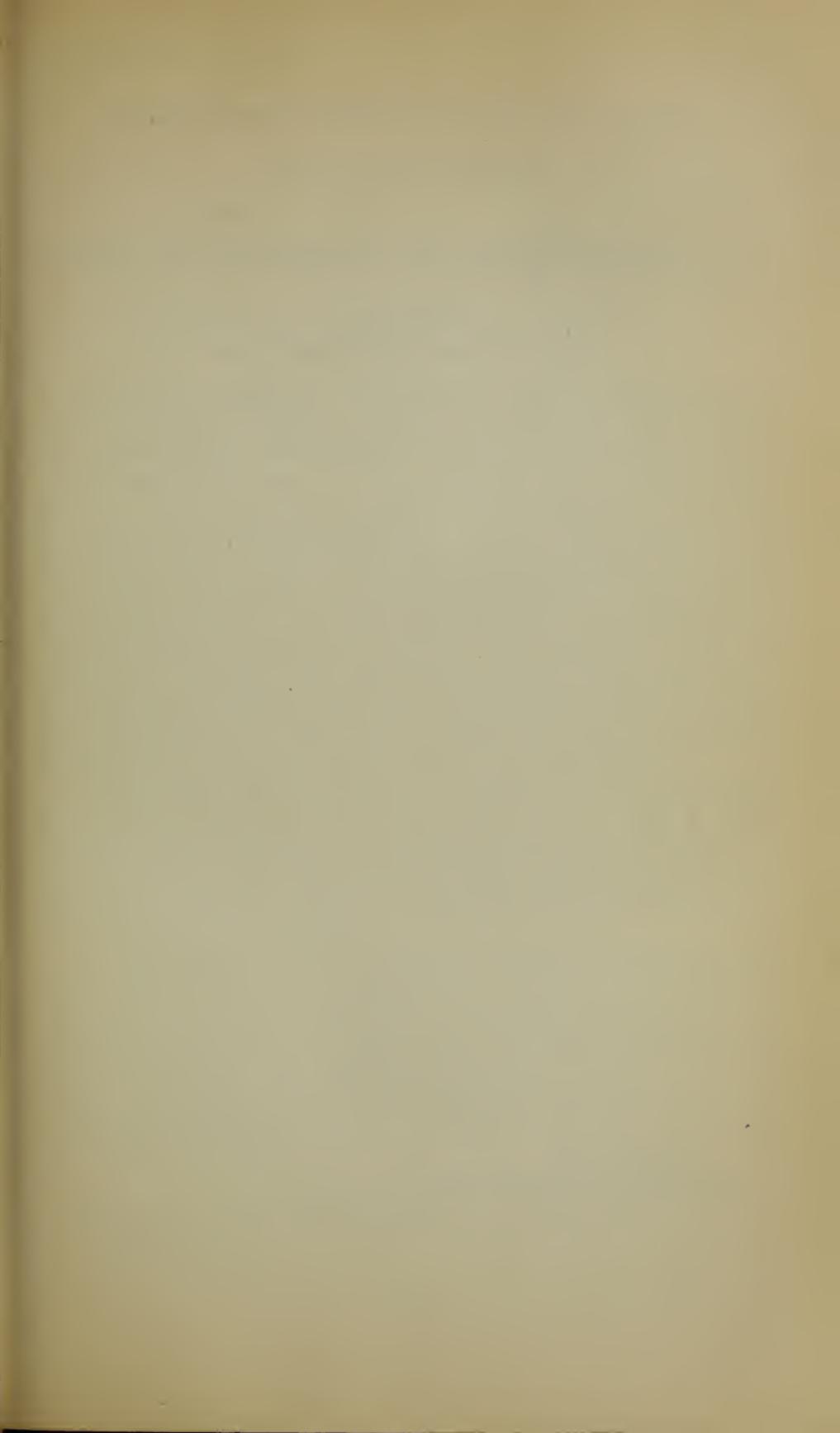
DRUGS AND MEDICINAL AGENTS—Continued.

Headache powders, Sure Pop:	N. J. No.	
Sure Pop Co.....	633	
Headache powders, U-re-ka:		
Perlitch Pharmacy.....	260	
Headache remedy, Mrs. Summers' Harmless:		
Summers, Gabriel R.....	631	
Vanderhoof & Co.....	631	
Headache tablets, Howe's:		
Howe Medicine Co.....	573	
Headache tablets, Huthwelker's:		
Huthwelker, Adam C.....	225	
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Horn, Charles W.....	392	
Headache wafers, Eames' Tonic:		
Celery Cracker Medicine Co.....	449	
Headache wafers, Rexall:		
United Drug Co.....	559	
Headache powders, Knox's:		
Pullen-Richardson Chemical Co.....	428	
Hed-ake, Preston's:		
Parker-Blake Co. (Ltd.).....	258	
Henbane, Powdered:		
Hopkins, J. L., & Co.....	754	
Hodnett's Gem soothing syrup:		
Hodnett, Alfred T. G.....	401	
Howe's headache tablets:		
Howe Medicine Co.....	573	
Huthwelker's headache tablets:		
Huthwelker, Adam C.....	225	
Hydrogen peroxid:		
Bene, John.....	575	
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Johnson's, Dr., mild combination treatment for cancer:		
Johnson, O. A.....	266	
Kinne's Sure headache cure:		
Kinne Medicine Co.....	346	
Knox's Head-ake powders:		
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Radam's Microbe Killer Co.....	623	
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Mixer's cancer and scrofula cure:		
Mixer, Charles W.....	797	
Mother's Friend:		
Bradfield Regulator Co.....	203, 366, 636	
Muco-Solvent:		
Gatlin Drug Co.....	54	
Muco-Solvent Co.....	54	
Nerve invigorator, Damiana Royal Brand Celebrated:		
Steinhardt Bros. & Co.....	501	
Neuralgia cure, "Funny-how-quick" headache and:		
Funny-how-quick Co.....	568	
Harriman, J. Maro, Drug Co.....	568	
O. K. headache cure:		
Houston Drug Co.....	208	
Parker's, Dr., Universal headache cure:		
Plank, W. R., Drug Co.....	191	
Pepsette:		
American Beverage Co. (Inc.).....	742	
Peroxid of hydrogen. (See Hydrogen peroxid.)		
Peter's, Dr., headache powders:		
Delaware Drug Co.....	643	
Pine, Concentrated oil of:		
Foose, A. P.....	30	
Globe Pharmaceutical Co.....	30	
Pilkinton, William E.....	30	
Plaster pad, Stuart's Adhesive:		
Stuart, F. J.....	496	
Pneumonia cure, Gowan's:		
Gowan Medical Co.....	180	
Preston's Hed-Ake:		
Parker-Blake Co. (Ltd.).....	258	
Quinine-whisky:		
Quinine Whisky Co.....	112	
Radam's microbe killer:		
Radam's Microbe Killer Co.....	623	
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Ramon's Pepsin headache cure:		
Brown, Henry R.....	465	
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United Drug Co.....	559	
Rock candy drips and whisky:		
Rosenthal, H., & Son.....	467	
Roccocal:		
Lehman-Rosenfeld Co.....	466	
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Sonneborn, L., Sons (Inc.).....	86	
Sartoin skin food:		
Foose, A. P.....	16	
Globe Pharmaceutical Co.....	16	
Pilkinton, William E.....	16	
Mixer, Charles W.....	797	
Sherman's headache cure:		
Woodward, Orator F.....	709	
Skin food, Epp-o-tone:		
La Cottel Mfg. Co.....	433	

DRUGS AND MEDICINAL AGENTS—Continued.

Skin food, Sartoin:	N. J. No.	Telephone headache tablets:	N. J. No.
Feeose, A. P.....	16	Horn, Charles W.....	392
Globe Pharmaceutical Co.....	16	Tilden's Febrisol:	
Pilkinton, William E.....	16	Tilden Co.....	780
Skin food, Mme. Yale's, etc.:		Tonic, Sure Thing:	
Kann, S., & Sons Co.....	82	Furst Bros.....	261
Wilson, Maude Yale Bishop.....	82	Tragacanth, Gum:	
Soemnoform:		National Aniline & Chemical Co.....	572
De Trey, E., & Sons.....	571	Turpentine:	
Frantz, Jacob F.....	571	Carolina Pine Products Co.....	220
Osborne, Dean C.....	571	Frank Tea & Spice Co.....	337
Sheppard, John R.....	571	Gulf Mfg. Co. (Ltd.).....	539
Whiteley, George H.....	571	Heekin Spice Co.....	248
Soothing balm, Brant's:		Kendall, Dr. B. J., Co.....	220
Brant, J. W., Co. (Ltd).....	777	United States Turpentine & Linseed Oil Co.....	
Soothing syrup, Hodnett's Gem:		Co.....	712
Hodnett, Alfred T. G.....	401	Winn, W. R.....	792
Sporty Days Invigorator:		U-re-ka headache powders:	
Simon, J., & Sons.....	426, 791	Perlitch Pharmacy.....	260
Sporty Days Invigorator Co.....	791	Vermouth:	
Stanley's Instant headache cure:		Bloomingdale Bros.....	461
Pierson, Stanley K.....	708	Wells's dime headache cure:	
Stuart's Adhesive plaster pads:		Wells Medicine Co.....	630
Stuart, F. J.....	496	Whisky. (See Quinine-whisky.)	
Stuart's catarrh tablets:		Winchell's, Dr., teething syrup:	
Stuart, F. A., Co.....	718	Emmert Proprietary Co.....	610
Sulphur, Liquid:		Wine of Coca, Lambert's:	
Hancock Liquid Sulphur Co.....	29	Lambert, Benjamin L.....	204
Menefee, R. N.....	29	Wintergreen essence:	
Summers', Mrs., Harmless headache remedy:		Dallemand Co.....	293
Summers, Gabriel R.....	631	Wiseola:	
Vanderhoof & Co.....	631	Wiseola Co.....	594
Sure Pop headache powders:		Witch hazel:	
Sure Pop Co.....	633	Hilbert, A. J., & Co.....	609
Sure Thing Tonic:		Ranney Drug Co.....	357
Furst Bros.....	261	Scott, Dr., Medicine Co.....	609
Teething syrup, Dr. Fahrney's:		Yale's, Mme., skin food, etc.:	
Fahrney, D., & Son.....	144	Kann, S., & Sons Co.....	82
Teething syrup, Dr. Winchell's:		Wilson, Maude Yale Bishop.....	82
Emmert Proprietary Co.....	610		





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 801, FOOD

AND DRUGS ACT.

ADULTERATION OF TOMATO PASTE.

On or about November 26, 1910, there were shipped from the State of New Jersey to the State of Pennsylvania 20 boxes, each containing twelve 5-pound cans labeled: "Defy-the-World-Brand Tomato Paste—Rossa Directions * * * Packed by Sam'l L. Kelty, Quinton, N. J. Puro pomodoro." Examination of samples of this product, made by the Bureau of Chemistry, United States Department of Agriculture, showed that it contained yeast and spores at the rate of 120 per one-sixtieth cmm, bacteria 115,000,000 per cc., with mold filaments in 64 per cent of the fields examined, and was therefore adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course a libel was filed in the District Court of the United States for said district against the said 20 boxes of tomato paste, charging the above shipment and alleging the product so shipped to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance and praying seizure, condemnation, and forfeiture of the product.

The cause coming on for hearing, and no answer having been filed to the above libel, the court being fully informed in the premises issued its decree finding the product in question to be adulterated as charged in said libel, condemning and forfeiting the same to the United States, and ordering its destruction by the marshal of said district, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

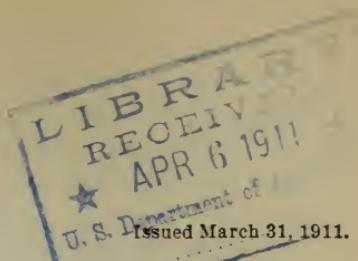
W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., March 4, 1911.

84048°—No. 801—11

F. & D. No. 2211.
S. No. 806.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 802, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF MAPLE SIRUP.

On or about December 20, 1910, W. L. Baker, Blodgetts Mills, N. Y., shipped from said town to the city of New York through the State of New Jersey six cases, each of which was labeled: "Hildreth & Segelken, Commission Merchants, New York.", each of said cases containing six 1-gallon cans of a product labeled: "York State Brand Maple Sirup. This sirup is refined and pure and complies with the pure food laws. Packed and shipped by W. L. Baker, Blodgetts Mills, N. Y." Analysis of samples of this product by the Bureau of Chemistry, United States Department of Agriculture, showed it to consist largely of cane sugar sirup and therefore to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of New York.

In due course a libel was filed in the Circuit Court of the United States for said district against the said six cases of sirup, charging the above shipment and alleging the product so shipped to be adulterated in that a substance, to wit, cane sugar sirup, had been mixed with the said maple sirup so as to reduce, lower, and injuriously affect its quality and strength; in that a substance, to wit, cane sugar sirup, had been substituted wholly or in part for said maple sirup; in that a valuable constituent of said article of food had been wholly or in part abstracted therefrom, to wit, maple sirup; and alleging the product to be misbranded in that the label above set forth bears a statement, design, and device regarding said maple sirup and ingre-

dients contained therein which is false and misleading; in that it is an imitation of and offered for sale under the distinctive name of another article, to wit, maple sirup; and in that the product in question is labeled and branded so as to deceive and mislead the pur-
chaser; and praying seizure, condemnation, and forfeiture of the product.

The cause coming on for hearing and no answer having been filed to the above libel, the court being fully informed in the premises, issued its decree condemning and forfeiting the product to the United States for the causes set forth in said libel, and ordering the destruction thereof by the marshal of said district.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. Hays,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 6, 1911.*



F. & D. No. 2104.
S. No. 757.

Issued March 31, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 803, FOOD AND DRUGS ACT.

ADULTERATION OF TOMATO PASTE.

On or about October 15 and November 12, 1910, the Pietro Roncoroni Company, New York City, shipped from the State of New York to the State of West Virginia 18 cases, each containing 100 cans of tomato paste, said cases being labeled: "Rossa La Migliore Conserva di Tomate Marca P. R. Packed by Pietro Roncoroni Co.", the retail units contained in said cases being labeled: "Tomato Paste Conserva di Tomate Rossa Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 5480. Pietro Roncoroni Co." Examination of samples of this product, made in the Bureau of Chemistry, United States Department of Agriculture, showed it to contain 120,000,000 bacteria per gram, and 500 yeasts and spores per one-sixtieth cmm, with mold filaments in 75 per cent of the microscopic fields examined, thus being adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of West Virginia.

In due course a libel was filed in the District Court of the United States for said district against the said 18 cases of tomato paste, charging the above shipment and alleging the product so shipped to be adulterated within the meaning of the act, in that said product consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, and praying seizure, condemnation, and forfeiture of the product.

The cause coming on for hearing, the court being fully informed in the premises, issued its decree, finding the product to be adulterated as charged in the above libel, condemning and forfeiting the same to the United States, and ordering its destruction by the marshal of said district.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

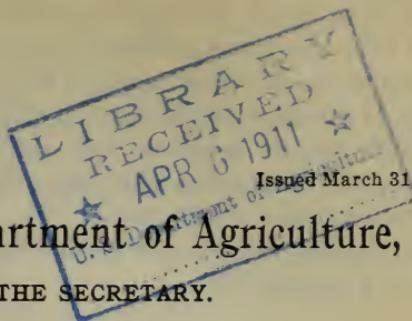
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 6, 1911.*

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F. & D. No. 1986.
S. No. 706.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 804, FOOD AND DRUGS ACT.

MISBRANDING OF MACARONI.

On or about October 25, 1910, the Trinacria Macaroni Works, Baltimore, Md., shipped from the State of Maryland into the State of West Virginia a consignment of 60 boxes of macaroni, labeled: "Trinacria Macaroni Works Pasta Extra Sicilia," with the word "style" inconspicuously placed at the bottom of the label. Examination of samples of this product, made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be of domestic manufacture and thus to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from report made by the Bureau of Chemistry that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of West Virginia.

In due course a libel was filed in the District Court of the United States for said district against the said 60 boxes of macaroni, charging the above shipment and alleging the product so shipped to be misbranded within the meaning of the act, in that the boxes containing said product were labeled so as to deceive and mislead the purchaser, since they purported to contain a foreign product, when, in truth and in fact, they contained a product of domestic manufacture, to wit, a product manufactured in the city of Baltimore, in the State of Maryland, and praying seizure, condemnation, and forfeiture of the product.

The cause coming on for hearing, the court being fully informed in the premises issued its decree finding the product to be misbranded as charged in the above libel and condemning and forfeiting the same to the use of the United States, and ordering its sale by the marshal of said district, with the proviso, however, that upon the payment of

the costs of these proceedings and upon the execution and delivery to the United States of America within thirty days from date of judgment of a good and sufficient bond with security to be approved by the court, in the penal sum of \$1,500, conditioned that the said 60 boxes of macaroni should not be disposed of contrary to law, the said marshal should redeliver and surrender the said product to the Clarksburg Importing Company, consignee thereof, in lieu of disposition by sale, as aforesaid.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

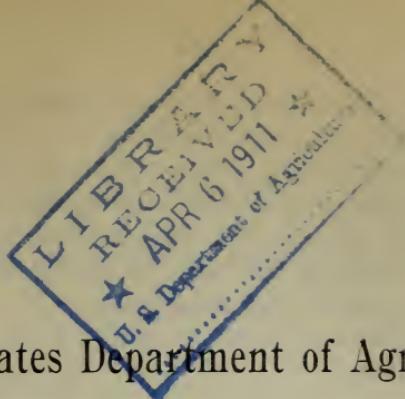
WASHINGTON, D. C., *March 7, 1911.*

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F. & D. No. 2197.
S. No. 804.

Issued March 31, 1911.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 805, FOOD AND DRUGS ACT.

ADULTERATION OF SPICED CATSUP.

On or about December 23, 1910, there were offered for sale in the city of Washington, District of Columbia, 5 barrels of food product, labeled: "Spiced Catsup Compound of Tomato Pulp and Spices. Preserved with Benzoate of Soda. Manufactured by R. C. Chance's Sons, Mt. Holly, N. J." Examination of samples of this product, made in the Bureau of Chemistry, United States Department of Agriculture, showed it to contain 90,000,000 bacteria per cc, yeast and spores at the rate of 42 per one-sixtieth cmm, with mold filaments in 80 per cent of the microscopic fields examined, and thus to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the product so offered for sale was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Columbia.

In due course a libel was filed in the Supreme Court of said district, sitting as a district court, against the said 5 barrels of spiced catsup, charging the above offering for sale and alleging that the product in question was adulterated within the meaning of the act, in that it consisted in part of a filthy and decomposed animal or vegetable substance, and praying seizure, condemnation, and forfeiture of the product.

On January 16, 1911, F. G. Swaine and J. E. Swaine, copartners, trading as F. G. Swaine & Son, appeared and filed their plea and answer, submitting themselves to the jurisdiction of the court, claiming ownership of the product involved, admitting the allegations in the above libel to be true, and consenting that a decree of condemna-

tion against said product be entered as prayed in said libel, and offering to pay the costs of such proceedings.

The cause coming on for hearing, the court being fully informed in the premises, issued its decree, finding the product to be adulterated as charged in said libel, and ordering its destruction by the marshal of said district, the costs of the proceedings having been paid by the above-mentioned respondents.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 7, 1911.*

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 806, FOOD AND DRUGS ACT.

MISBRANDING OF FLAVORING EXTRACTS—EXTRACT OF VANILLA, EXTRACT OF LEMON PEEL, AND “MAPLE FLAVO.”

On or about October 29, 1909, Sally Gumpert and Harry Horowitz, doing business under the firm name and style of S. Gumpert & Co., shipped from the State of New York into the State of Texas two consignments of vanilla extract and a consignment of extract of lemon peel, the former of the vanilla extracts being labeled: “Extract of vanilla S. Gumpert & Co., New York”; the latter being labeled: “Ext. Vanilla Guaranty Legend Serial No. 4951. S. Gumpert Laboratory, 177-179 Hudson St. and 27-29-31 Vestry St., New York. S. Gumpert, Manufacturing Chemist and Distiller of Essential Oils, Fruit and Liquor Flavors. Laboratory 177-179 Hudson St. and 27-29-31 Vestry St., New York”; and the extract of lemon peel being labeled: “Extract of Lemon Peel S. Gumpert & Co.” Also on August 19, 1909, the said Sally Gumpert and Harry Horowitz shipped from the State of New York into the State of Ohio a quantity of Maple Flavo, labeled: “Maple Flavo. Flavo for Cake Icing Use sufficient to get a rich, brown color. Colors recommended by the Government for food products. A Gumpert, Importers, Mfgrs., New York. 205 West St. Guaranty Legend Serial No. 4951.” Analyses made by the Bureau of Chemistry, United States Department of Agriculture, of samples taken from the above described shipments, showed the former of the vanilla extracts to be a liquid consisting of alcohol by volume 23.06 per cent, vanillin 0.06 per cent, coumarin 0.20 per cent, and color caramel; and the latter to be a liquid containing alcohol 23.10 per cent, vanillin 0.60 per cent, coumarin 0.10 per cent, and colored with caramel; and the extract of lemon peel to be a liquid containing 35.5 per cent alcohol, 0.104 per cent citral, and lemon oil by precipitation none. Samples of the Maple Flavo were also procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be a compound of glucose and sugar, colored with caramel and artificially flavored. As it appeared from the

above analyses and reports thereon that the products were misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Sally Gumpert and Harry Horowitz and the parties from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence upon which to base a prosecution.

In due course four criminal informations were filed in the Circuit Court of the United States for the Southern District of New York against the said Sally Gumpert and Harry Horowitz, charging the above shipments and alleging that the vanilla extracts were misbranded, in that the labels thereon were false and misleading and the products were labeled so as to deceive and mislead the purchaser, because said labels indicated that the products were a true extract of vanilla, whereas, in truth and in fact, the said products were not a true extract of vanilla but a compound of vanillin and coumarin, artificially flavored and colored in a manner whereby inferiority was concealed; that the extract of lemon peel was misbranded, in that the labels thereon were false and misleading and the product was branded so as to deceive and mislead the purchaser, because said labels indicated that the product was a true extract of lemon peel, whereas, in truth and in fact, said product was not a true extract of lemon peel, but a dilute extract containing no oil of lemon peel whatever; and that the Maple Flavo was misbranded, in that the labels upon said product were false and misleading and the said Maple Flavo was branded so as to deceive and mislead the purchaser, because said labels indicated that the product was a true maple product, whereas, in truth and in fact, it was a compound of glucose and sugar, artificially flavored and colored in a manner whereby its inferiority was concealed.

Upon arraignment, the defendants entered a plea of not guilty to the above informations and the cases coming on for joint hearing the issues were tried to a jury and the evidence and arguments of counsel on the part of both parties having been heard, the court instructed the jury as follows:

The COURT (HAZEL, J.) : "Gentlemen of the jury, the United States Attorney for this District has filed four informations in this case charging the defendant company with violating the Pure Food and Drugs Act, so called. The Pure Food and Drugs Act was passed by Congress in 1906 and was designed to protect the public from the adulterations of food and drugs, furthermore, it was designed to protect the public from being deceived by misbranding or labeling articles differently from what it is in truth and in fact.

"Now, in this case, the Government is required to satisfy you beyond a reasonable doubt of the guilt of the accused on all of these various informations

and unless it has done so the defendants are entitled to an acquittal. Of course it is entirely within your province to find the defendant guilty of one or more of the alleged offenses contained in the various informations, or all of them, or not guilty of any. The Government is required to show affirmatively that this was an interstate shipment, because the jurisdiction of this court depends upon the claim contained in the information that the alleged misbranded merchandise was shipped or forwarded from the State of New York into another State. There is no controversy in relation to interstate shipment, and hence, you gentlemen doubtless will be able to reach a conclusion upon that subject without difficulty.

"The Government is also required to show that the samples taken by the inspectors in each case were submitted to the chemists intact, were not mixed with other ingredients or deleterious substances, and this must be established by the Government to the end that you may be satisfied by the proofs that when the chemists made the analyses that the contents of the container were in fact the articles or goods that had been shipped or sent by the defendants interstate.

"It must also appear beyond a reasonable doubt that the chemical analyses were true and correct, and if you are satisfied upon all these points as stated by me, then the defendant is guilty as charged in the information.

"Now, we are chiefly concerned with articles named variously Maple Flavo, Extracts of Vanilla and Extracts of Lemon Peel. With reference to the extract of vanilla the defendant contends that there was no intention on his part to violate the statute, and he leaves the impression in my mind and perhaps in yours that he does not dispute the analysis made by the Government's witness Shanley, that the article was adulterated and misbranded as claimed by the Government. But to excuse such misbranding it is claimed on behalf of the defendant that the misbranding was an inadvertence or a mistake; and that is a question submitted to you for your consideration. As this, however, is a criminal case, the Government is required to satisfy you, as I have already intimated, that there was a misbranding, and because the Government is required to satisfy you upon that point it may not be amiss for me to recall to your mind that the witness Shanley, the expert chemist of the Government, testified that the product shipped to the witnesses Young and Heim, this extract of vanilla, was analyzed by him and that he found the samples were imitations of vanilla. He testified, in substance, that he found coumarin and vanillin in the samples submitted to him, and that they were artificially colored with caramel; that he found there was twice the amount of vanillin in the samples, and that in the genuine vanilla extract there is no coumarin and not as large a percentage of vanillin. This is the evidence that is submitted now for your consideration upon the subject of whether the article that was shipped in interstate was misbranded and as to whether it was admixed with ingredients such as are necessary to produce the pure article. The claim of the Government, of course is, that this vanilla was not an extract of vanilla, and, as I have already indicated to you, that is not seriously controverted by the defendants. The defendants claim that the article was misbranded or mislabeled and that such misbranding or mislabeling was due to a mistake, and of that I shall speak later.

"The expert witness Wilson for the Government testified that he made an analysis of the so-called Maple Flavo, and he found that it was chiefly made of cane sugar, glucose, slippery elm and largely colored with caramel, and that the ingredients of caramel was used to imitate the color of maple, and lovage

to imitate the Maple Flavo—in fact, it was an imitation of the Maple product. The witness explained that the maple product of the maple tree does not contain the same ingredients as Flavo, and that it contains neither vanillin, caramel, lovage or slippery elm. The witness Seeker, for the Government, testified that he analyzed the defendant lemon extract, so-called, and found the article contained no lemon oil; that it was colored with a coloring of lemon peel, and that citral was used by the defendant for flavoring; that citral is obtained from lemon grass; and he further testified that according to the standards fixed by the Association of Chemists and adopted by the Agricultural Department, lemon extract contains a solution of 5 per cent of lemon oil by volume in grain alcohol; that the first analysis of the defendant's product did not disclose oil of lemon. He further testified that extract of lemon peel is the same as an extract of lemon, and gives the same testimony with reference to the absence of terpenes, and that the product was an imitation of lemon extract.

"This, gentlemen, is substantially the testimony of the Government, and it remains for you to say as to whether these chemists who testified as you will perceive upon the material point, are entitled to weight and as to whether their testimony is entitled to controlling weight upon the subject in reference to the analyses.

"Now, the defendant has given testimony in his own behalf and he denies that he intended to violate the statute, and he undertakes to explain various of these transactions to which the information relates. Now, he claims that the term 'Maple Flavo' used by him in the sale of his commodity is a distinctive name and the product became generally known by that name and that it became so known prior to the enactment of the Pure Food and Drug Act. Now, gentlemen, if the term 'Maple Flavo' is used to mislead the public or cause it to believe that it was a pure maple product, then I instruct you it was a misbranding. The Government's claim is that the term 'Maple Flavo' is false and misleading and that the compound was artificial flavoring. Now, if you find from the evidence that the defendant's designation was false and misleading and calculated to deceive the ordinary purchaser, then the article was misbranded and the statute applies. Upon this question of whether the name 'Maple Flavo' was distinctive, I instruct you that a distinctive name is one ordinarily used to clearly distinguish it or the article to which it is applied from all others, or one which the public might come to generally recognize as meaning something different from any other thing. Now, if you believe from the evidence Maple Flavo by reason of that name used by the defendants so completely distinguished it from the pure maple product as to readily inform the public the difference between it and the genuine maple product, then the defendant should not be convicted on count 1 of the information. In other words, if the defendants' article has been on the market long enough to inform the public generally that it was not a genuine maple product but merely a maple flavo, or imitation of the maple product, then this has an important bearing on the question of whether the public was misled or was deceived by the alleged misbranding. On the other hand, gentlemen, if you are not satisfied by the testimony of the defendant on this point, if you believe that the product has not become generally known to the public as one distinguished from the maple product, and that the word 'Flavo' was merely a trade distinction and was used in connection with the word 'Maple,' and it deceived the public into believing that it was a product containing pure maple, then the defendants are guilty of misbranding. You will bear in mind, gentlemen, that the defendant, Mr. Gumpert, gave testimony generally to show that this article 'Maple Flavo' was exhibited by him at various exhibitions here in this city and elsewhere, and

moreover it was exhibited in London, and he claims that it became widely known in various states, and so it became a distinctive product from what was ordinarily known by the term maple product. Now, if in that respect he has testified truthfully and you are satisfied by the evidence that his commodity did become distinctive, that it was ordinarily recognized by the public as distinctive, that it was not regarded as purely a maple product, he is entitled to an acquittal. If you believe this was simply a trade distinction used by him for convenience or used by him to beguile the public or lead the public to believe that his commodity really consisted of pure maple, then he is guilty of the count.

"Now, as to the lemon extract, which the evidence indicates was sold to Mr. Young, the defendant claims that he used terpeneless lemon oil instead of pure lemon oil. He explained the method of manufacturing this product and claims it to be an extract. The point, however, according to the Government, turns on the requirements of the pure lemon oil, as to pure lemon ingredients of the lemon extract. Expert witnesses for the Government testified that the article was not a lemon extract, as I have already stated, in that it contained no lemon oil; that it was colored with a coloring of lemon peel and citral, and was used as a flavoring; that the true lemon extract is a solution of five per cent.

"I think, gentlemen, this substantially states or recalls to you the evidence given on behalf of the Government, and substantially all the testimony given on behalf of the defendant to establish the innocence of the company, and there may be and doubtless is other testimony in the case which you ought to consider and which it is your duty to consider, in order to establish the guilt of the accused or their innocence.

"Now, there is another question, however, to which your attention must be directed by the Court, and that is the question of intent: As to whether the defendant intentionally committed the offense charged in the information. Now, gentlemen, in most criminal trials it is necessary for the Government to establish beyond reasonable doubt that the accused intended to violate the statute and the person charged with crime should not be convicted if it appears that the offense was due to a mistake or inadvertence—that is to say, absence of intent to violate the statute. Usually in criminal trials the intent is presumed from the facts and circumstances and follows as a necessary consequence of the act, hence the defendants if they knew that their product was an imitation of the other and was not a distinctive article, then you may assume the defendant must be held responsible under the act in question. The Pure Food and Drugs Act does not expressly provide that shippers or dealers must knowingly or wilfully violate its provisions, but if, as it is claimed by the defendants, this label was put on inadvertently or by a mistake by employees whom he had hired, and who had not become sufficiently familiar with their duties, it is my opinion then, gentlemen, that he ought not to be held guilty of these two counts. On the other hand, if it is your opinion that this claim made at this time is merely a subterfuge, that the article in fact was misbranded and that it is now claimed to have been a mistake, in bad faith, in order to escape liability under the statute, then manifestly you will give little heed to the claim of mistake or inadvertence. Of course, if a dealer in a commodity of this character is to escape punishment, if persons are to be permitted to misbrand their goods and send them into interstate commerce and then may be heard to say that they did not intend to violate the statute, if they are not to be held liable as a necessary consequence of their act, this statute which is now before us will not remedy the evils that Congress designed it to remedy by its enactment.

"Now, gentlemen, there is another rule of law which it is my duty to call your attention to, namely, that the defendant cannot be convicted unless the

Government has established these essential elements to which I have drawn your attention beyond a reasonable doubt. By that term, however, is not meant a capricious doubt or one that may fancifully arise in your mind. If it exists at all it should be based upon the testimony, namely, that the Government has not satisfied you, that the evidence is not sufficient to justify you to believe that the defendants are guilty as charged. Moreover it would be well for you to bear in mind that the defendants are presumed to be innocent until the contrary is established. This presumption remains with them throughout the trial and follows you into your jury room until you are satisfied that the offenses are established by the Government.

"Now take this case with the facts and circumstances and give it such consideration as you can."

Mr. HANSON. "May it please the Court, at one place in your charge, in referring to the evidence of one of the experts, I understood your Honor to say that you understood him to testify that citral is not obtained from the lemon but from lemon grass. My recollection is that his testimony was that it was obtained not only from lemons but also from the grass, that it might be obtained from both."

Mr. SMITH. "He testified commercially, that the citral sold commercially was obtained from the lemon grass."

The COURT. "You will remember the testimony."

Mr. SMITH. "I will ask the Court to charge the jury that for all first offenses the law only provides that the defendant shall be fined."

The COURT. "Yes."

Mr. SMITH. "And this, I understand, is the first offense. And I also ask your Honor to charge the jury the first section of subdivision 4 of the Food and Drug Act wherein it states: "In the case of mixtures of compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names and not an imitation of or offered for sale under the distinctive name of another article"—that is subdivision first—right there, sir" (indicating).

The COURT. "I intended to read to you this provision of the Act, for it bears on one of the defenses interposed by the defendant. The Act provides as follows: "In the case of mixtures of compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names and not as an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced." You may consider so much of the statute together with what I have already said on the subject.

"You may now retire."

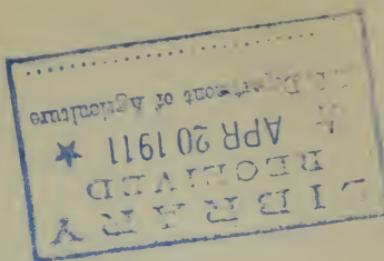
The jury rendered its verdict in due form, finding the defendants guilty, as charged in the above informations, whereupon the court entered its judgment in accordance with said verdict, and imposed a fine of \$400.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 13, 1911.*





F. & D. No. 1325.
I. S. No. 9618-b.

Issued April 18, 1911.

United States Department of Agriculture, OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 807, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF LEMON EXTRACT.

On or about August 3, 1909, B. H. Townsend & Co., a corporation, Salt Lake City, Utah, shipped from the State of Utah into the State of Idaho a quantity of a food product labeled: "Pure Food Extract Lemon (Soluble) Alcohol 40 per cent, Oil of Lemon 5 per cent. Made from fruit oil and terpeneless oil representing a strength of 5 per cent, as required by pure food laws. B. H. Townsend & Company, Salt Lake City, Utah." Analysis of samples of this product, made by the Bureau of Chemistry, United States Department of Agriculture, showed its specific gravity to be 0.9636, and to contain alcohol by volume 29.3 per cent, citral 0.054 per cent, solids 0.04 per cent, with a total absence of lemon oil, and to be artificially colored with the coal-tar dye known as naphthol yellow S. As it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said B. H. Townsend & Co. and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the District of Utah against the said

B. H. Townsend & Co., charging the above shipment and alleging the product so shipped to be adulterated in that the bottles in which said product was shipped contained a highly dilute terpeneless extract of lemon mixed and packed with the other contents of said bottles so as to reduce the quality and strength of the product; in that a dilute terpeneless extract of lemon had been substituted to a large extent for lemon extract; in that the product had been so mixed and colored with a yellow dye as to simulate the color of genuine lemon extract and so as to conceal the fact that it was a dilute terpeneless solution of lemon extract; and in that the contents of said bottles contained no oil of lemon and contained about 29.3 per cent of alcohol; and further alleging that said product, labeled as above, was misbranded so as to mislead and deceive the purchasers, in the manner hereinbefore set forth.

On July 11, 1910, the defendant was arraigned and entered a plea of not guilty, which it subsequently, on November 7, 1910, changed to a plea of guilty, whereupon the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 14, 1911.*





F. & D. No. 1823.
S. No. 647.

Issued April 18, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 808, FOOD AND DRUGS ACT.

ADULTERATION OF CRACKERS—"CREME WAFLES."

On or about July 26, 1910, there were transmitted from the State of Illinois into the State of Pennsylvania 150 packages of a food product labeled: "Non plus ultra I. J. S. Wafles. Made in Holland. Creme Wafles 2.25 K. Sole Distributors for the U. S. A. DeBoer & Dik, Importers, Chicago, Ill." Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to contain boric acid or its salts, and therefore to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course a libel was filed in the District Court of the United States for said district against the said 150 packages, charging the above shipment and alleging that the product so shipped was adulterated, in that it contained an added poisonous and deleterious ingredient, to wit, boric acid or compounds thereof, which rendered such article injurious to health, and praying seizure, condemnation, and forfeiture of the product.

Thereupon said DeBoer & Dik appeared, by H. W. Ackhoff, their attorney, as claimants to the product in question, and filed an answer to the above libel, admitting the averments thereof but denying any intention of violating the laws of the United States, and consenting to the prayer thereof and agreeing to the condemnation of the prod-

uct, whereupon the court, being fully informed in the premises, issued its decree finding the product in question to be adulterated as set forth in said libel, and condemning and forfeiting the same as prayed therein, with the proviso, however, that upon payment of all the costs of these proceedings and the execution and delivery to the libellant by said claimants of a good and sufficient bond in the sum of \$250 conditioned that the said product should not be sold or otherwise disposed of contrary to law, the marshal of said district should re-deliver said product to the above mentioned claimants in lieu of disposing thereof by sale. The costs having been paid and bond furnished in accordance with the terms of the above decree, the said product was forthwith delivered to the above mentioned claimants.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

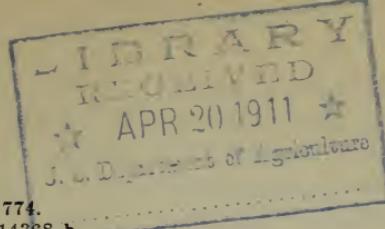
W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 14, 1911.*

808





F. & D. Nos. 1773, 1774.

I. S. Nos. 14366-b, 14368-b.

Issued April 18, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 809, FOOD AND DRUGS ACT.

MISBRANDING OF STOCK AND CATTLE FEED.

On or about January 20, 1910, the Beck Cereal Company, Detroit, Mich., shipped from the State of Michigan into the State of Virginia a consignment of a stock feed labeled: "Guaranteed analysis: protein 8.31 per cent, fat and oil 5.10 per cent, fibre 5.81 per cent. 100 lbs. Royal Corn and Oat Feed Manf'd by the Beck Cereal Co., Detroit, Mich. Made from corn, oat middlings, oat shorts, and oat hulls. From the Beck Cereal Co., Manufacturers of rolled oats, Old Gold granulated corn meal, pearl barley, and all kinds of feed, coarse and fine corn meal, etc. Dealers in oats and corn. Telephone West 517, Detroit, Mich."; and on January 25, 1910, said firm shipped from said State of Michigan into said State of Virginia a consignment of cattle feed labeled the same as the former shipment, except that the word "Chop" is inserted in the second label between the words "Oat" and "Feed." Microscopical examinations of samples of the above products showed the former to consist of corn bran and coarsely ground corn 68 per cent, corn meal 22 per cent, oat hulls 10 per cent, with a total absence of oat starch; and the latter to consist of corn 90 per cent, oat hulls 10 per cent, with practically no oat starch. As the findings of the analyst and report made indicated that the products were misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said Beck Cereal Company and the parties from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course two criminal informations were filed in the District Court of the United States for the Eastern District of Michigan charging the above shipments and alleging said products to be mis-

branded, in that the labels above set forth representing the products to be "made from corn, oat middlings, oat shorts and oat hulls" were false and misleading because the products contained no oat starch—a condition demonstrating that said oat middlings and oat shorts were not present therein, and that a substance (oat hulls) had been substituted in part for the article, corn and oat feed, which means whole corn and oats, and in that said oat hulls which had been added injuriously affected the quality and strength of the mixture.

The above causes came on for hearing on December 24, 1910, and the defendant appeared by George Beck, its president, and entered a plea of *nolo contendere* to each of the above informations, whereupon the court imposed a fine of \$1 in each case.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HATTS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 14, 1911.*

809





F. & D. Nos. 775 and 1633.

I. S. Nos. 19806-a, 19809-a, and 17654-b.

Issued April 18, 1911.

United States Department of Agriculture,
OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 810, FOOD AND DRUGS ACT.

MISBRANDING OF "SUGAROTA" HORSE, SHEEP, AND DAIRY FEEDS.

On or about December 21, 1908, the North West Mills Company, a corporation, Winona, Minn., shipped from the State of Minnesota to the State of Kentucky consignments of two food products, one of which was labeled: "100 pounds. Guaranteed. Serial No. 17,421. Sugarota Horse Feed—protein 12 per cent, fat 3.5 per cent, carbo-hydrates 56 per cent; North West Mills Co., Winona, Minn. Made from flax bran; malt sprouts; cottonseed meal; gluten feed; brewer's grains; grain screenings 15 per cent; hominy feed; linseed meal; and molasses."; and the other of which was labeled: "100 pounds. Guaranteed. Serial No. 17421. Sugarota Sheep Feed. Protein 17 per cent, fat 4.5 per cent, carbo-hydrates 50 per cent. North West Mills Co., Winona, Minn. Made from cottonseed meal; flax bran; linseed meal; malt sprouts; mill feeds; and molasses."; and on or about July 28, 1909, said company shipped from the State of Minnesota to the State of Maine a quantity of a food product labeled: "100 pounds purity and weight. Guaranteed under the National Food and Drugs Act, 1906. Serial 11421. Sugarota Dairy Feed. Protein 18 per cent; fat 4.5 per cent; carbo-hydrates 50 per cent. North West Mills Co., Winona, Minnesota." Samples from the above three products were produced and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the first of said products was found to contain moisture 10.13 per cent, protein 15.79 per cent, fat 7.75 per cent, invert sugar 2.83 per cent, sucrose 2.39 per cent, and to consist of only flax bran, linseed meal, cottonseed meal, screenings, and some wheat tissues; the second of said products was found to contain moisture 11.19 per cent, protein 17.32 per cent, fat 6.46 per cent, invert sugar 3.88 per cent, sucrose 2.49 per cent, and to consist largely of weed seeds and of a small amount of cereal tissues, chaff, etc., resembling screenings; of flax bran, with a very small amount of

linseed and cottonseed meal, and a total absence of malt sprouts; and the third of said products was found to contain about 15.41 per cent of protein. As the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said North West Mills Company and the parties from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

On November 15, 1910, a criminal information was filed in the District Court of the United States for the District of Minnesota against the said North West Mills Company, charging, in three counts, the above shipments and alleging that the first of said products was misbranded in that it was labeled as above set forth, and did not contain malt sprouts, brewer's grains, hominy feed, as set forth in said label; that the second of said products was misbranded in that it was labeled as above set forth and did not contain malt sprouts, and in that the label in question pretended and purported to consist of the ingredients and substances contained in said article of food, when, in truth and in fact, said label did not state that said article of food contained a quantity of weed seeds which it actually did contain; and alleging that the third of said products was misbranded in that it was labeled as above set forth, when in truth and in fact, it did not contain 18 per cent of protein, as stated in said label, but contained a much less quantity, to wit, 15.41 per cent.

Upon arraignment the defendant entered a plea of guilty to the above three counts by D. B. Fraser, its secretary and manager, whereupon the court imposed a fine of \$50 each on the first and second counts and a fine of \$25 on the third count.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., March 15, 1911.





F. & D. Nos. 1617 and 1642.

I. S. Nos. 9928-b, 9929-b, 9930-b, 9931-b, 9932-b.

Issued April 18, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 811, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF "COLUMBINE BRAND COMPOUND" FRUIT JELLIES.

On or about September 20, 1909, the Colorado Canning Company, a corporation, James Turnbull and William J. Lindenberger, Canon City, Colo., shipped from the State of Colorado into the Territory of New Mexico a quantity of five varieties of jellies, one of which was labeled: "Columbine Brand Compound Raspberries and Apple Jelly. Made from fresh fruit, apple juice, granulated sugar, and glucose. Made by Colorado Canning Co., Canon City, Colorado"; the other four varieties bearing identical labels except that the word "raspberries" was substituted in said other labels by the words "currant," "blackberry," "grape," and "plum," and also bore the words "1/10 of one per cent benzoate of soda" stamped very inconspicuously and illegibly across the face of the latter four labels. Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, with the result that the products in question were each found to contain free sulphuric acid and benzoate of soda, and not to be jellies but viscous syrups with the flavors of the fruits indicated scarcely apparent. As the findings of the analyst and report made indicated that the products were adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Colorado Canning Company and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

On August 31, 1910, a criminal information was filed in the District Court of the United States for the District of Colorado against the

said Colorado Canning Company, James Turnbull and William J. Lindenberger, charging the above shipment and alleging in the first count thereof that the above-mentioned jellies were adulterated and misbranded in violation of the act, and specifying such adulteration and misbranding of each of said products in nine other counts.

On September 30, 1910, the defendant corporation pleaded guilty to the above-mentioned first count, whereupon the court imposed a fine of \$10 and costs. The remaining counts as to the canning company and all counts as to the individual defendants above referred to, James Turnbull and William J. Lindenberger, were dismissed on motion of the United States attorney for the district aforesaid, for the reason that said corporation had been adjudged a bankrupt, and that no further goods had been manufactured from the same materials with the obnoxious ingredients, nor had the goods been subsequently shipped under the illegal labels.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 15, 1911.*





F. & D. No. 641.
S. No. 257.

Issued April 18, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 812, FOOD AND DRUGS ACT.

ADULTERATION OF BUTTER.

On or about July 7, 1910, Frank Crawford, New York City, shipped from the State of New York into the State of Massachusetts 70 tubs of a food product labeled: "Hollis & Rich Butter Co., Boston, Mass.", and invoiced and sold by said shipper as "Ladle Butter." Bacteriological examination of samples of this product, made by the Bureau of Chemistry, United States Department of Agriculture, showed it to contain gas-producing organisms and bacteria of the B-coli group. As the findings of the analyst and report thereon indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Massachusetts.

In due course a libel was filed against the said 70 tubs of ladle butter, charging the above shipment and alleging the product so shipped was adulterated in that it consisted in part of filthy, decomposed, and putrid animal and vegetable substances, and praying seizure, condemnation, and forfeiture of the product. Thereupon Frank Crawford, the above mentioned shipper, entered his appearance and filed claim to the ownership of the product in question.

On August 8, 1910, the cause came to be heard on the above libel and claim and, after hearing the parties by their attorneys, the court being fully informed in the premises, issued its decree finding the merchandise in question to be adulterated as set forth in said libel and to be unfit for use in any manner as an article of food, and condemning the same and further ordering that said merchandise should be denatured by the United States and that thereafter it should be delivered to said claimant upon the payment of the costs of these

proceedings and the execution and delivery within thirty days of a good and sufficient bond to the effect that said merchandise should not be sold or otherwise disposed of contrary to law; with the proviso that, if the said claimant should fail to comply with the terms of the foregoing order, said merchandise should be destroyed by the marshal of said district.

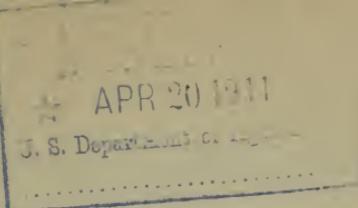
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 16, 1911.*

812

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F. & D. No. 1756.
S. No. 613.

Issued April 18, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT, NO. 813, FOOD AND DRUGS ACT.

ADULTERATION OF FIGS.

On or about August 4, 1910, there were shipped from the State of New York into the State of Massachusetts 83 boxes of figs labeled: "Split Figs B B 8700—L S. Loose Wiles Biscuit Company, Boston, Mass." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to contain 97 per cent of filthy, moldy, and decomposed figs, and thus to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Massachusetts.

On August 18, 1910, a libel was filed in the District Court of said district against the said 83 boxes of figs, charging the above shipment and alleging that the product so shipped was adulterated within the meaning of the act in that it consisted in part of a filthy and decomposed animal and vegetable substance, and praying seizure, condemnation, and forfeiture of the product.

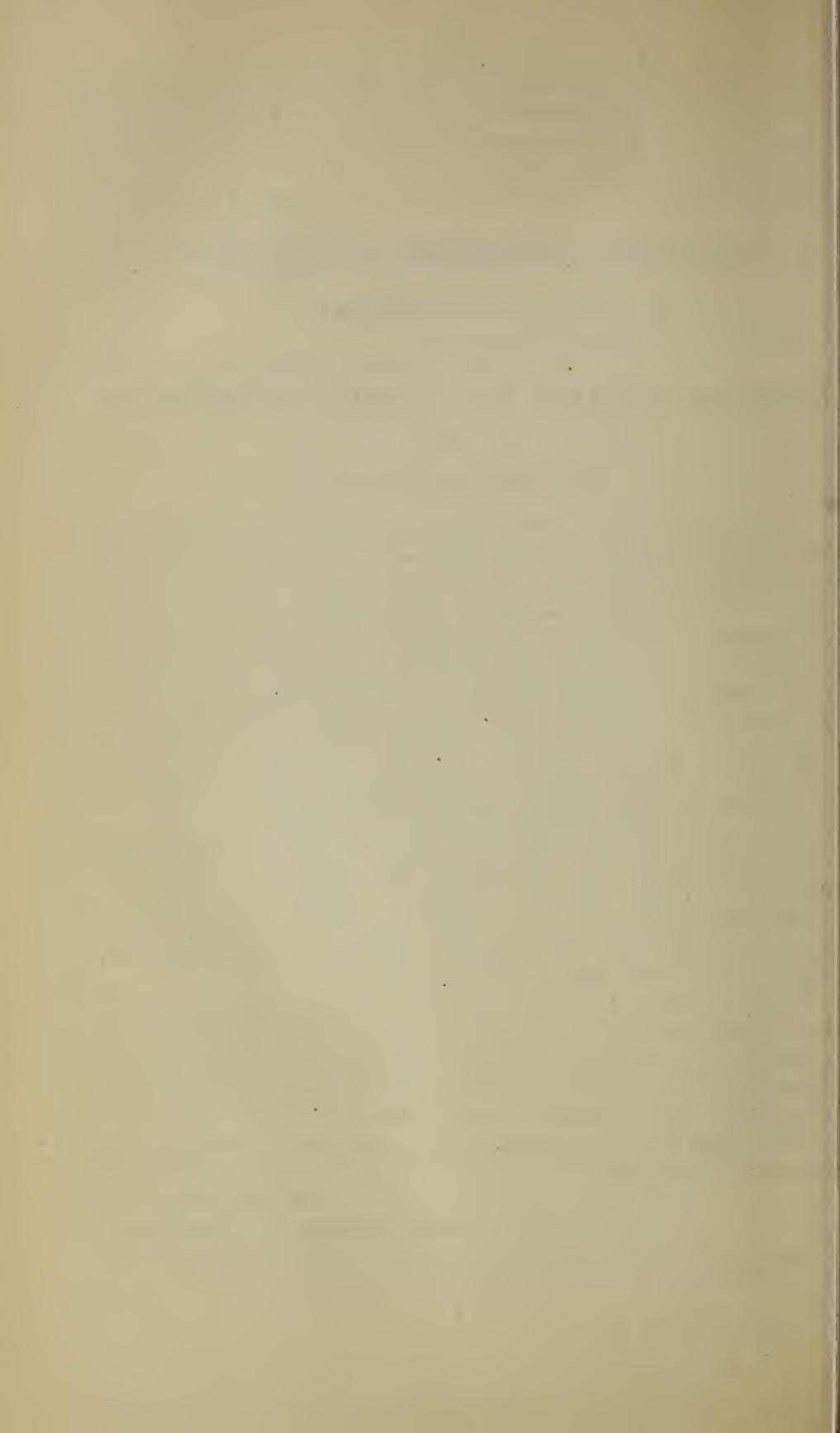
On November 21, 1910, the cause came on for hearing and the court being fully informed in the premises, issued its decree finding the product to be adulterated as alleged in said libel and condemning and forfeiting the same to the use of the United States, and ordering its destruction by the marshal of said district.

This notice is given pursuant to section 10 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 16, 1911.*





United States Department of Agriculture,

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U. S. Department of Agriculture

NOTICE OF JUDGMENT NO. 814, FOOD AND DRUGS ACT.

ADULTERATION OF ICE CREAM CONES.

On or about July 16, 1910, the Star Wafer Company, Oklahoma City, Okla., shipped from the State of Oklahoma into the State of Missouri 112 boxes of ice cream cones in three consignments, two of 50 boxes each and one of 12 boxes. One hundred of said boxes were labeled: "McPike Drug Co., Kansas City, Mo. These cones sweetened with less than 1/50 grain of saccharine"; the remaining cones being labeled: "Pink-Yellow. McPike Drug Co., Kansas City, Mo." Analysis of samples of this product, made in the Bureau of Chemistry, United States Department of Agriculture, showed it to contain boric acid, or the salts thereof, and thus to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Missouri.

On July 29, 1910, a libel was filed in the District Court of said district against the said 112 boxes of ice cream cones, charging the above shipment and alleging that the product so shipped was adulterated within the meaning of the act, in that it contained an added poisonous and deleterious ingredient which might render said cones injurious to health, to wit, boric acid or the salts thereof, and praying seizure, condemnation, and forfeiture of the product.

On November 30, 1910, the cause came on for hearing and, the court being fully informed in the premises, issued its decree finding the product to be adulterated as alleged in said libel, condemning and forfeiting the same to the use of the United States, and ordering its destruction by the marshal of said district; which order was forthwith executed.

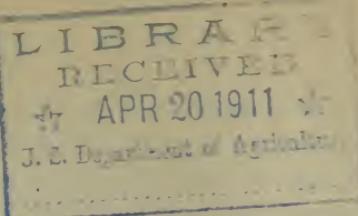
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., March 17, 1911.





F. & D. Nos. 1820-1821.
S. Nos. 642, 643.

Issued April 18, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 815, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF VINEGAR.

On or about August 27, 1910, the Harbauer-Marleau Company, a corporation, Toledo, Ohio, shipped from the State of Ohio into the State of Missouri two consignments, of 25 barrels each, of alleged apple cider vinegar. Twenty-five of said barrels were labeled: "Just Right Brand Fermented Apple Cider Vinegar. Made for Kroeger, Amos, James Grocer Co., St. Louis, Mo. (Guarantee Legend) Serial No. 8904.", and 25 barrels were labeled: "Sweet Home Brand Fermented Apple Cider Vinegar. Made for Goddard grocer Co., St. Louis, Mo. (Guarantee Legend) Serial No. 8904." Analysis of samples from each consignment, made in the Bureau of Chemistry, United States Department of Agriculture, showed it to consist of a diluted vinegar mixed with a foreign product high in reducing sugar and containing added ash material, and thus to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipments were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Missouri.

On September 12, 1910, two libels were filed in the District Court of the United States for said district, one against each of said consignments of the product, charging the shipments of the same and alleging the vinegar to be adulterated in that it had been diluted and mixed with a foreign product high in reducing sugars; in that it also contained added ash material; in that in the manufacture of said product foreign products high in reducing sugars and ash products had been substituted in part for the article described in said

label as and for which said product was offered for sale and intended to be sold; and in that the product had been mixed with a foreign substance high in reducing sugar with added ash material so as to reduce, lower, and injuriously affect its quality and strength, and alleging said vinegar to be misbranded in that said barrels did not contain fermented apple cider vinegar, but contained a compound consisting in part of a foreign substance high in reducing sugars and added ash materials; and that said barrels were so labeled as to deceive and mislead purchasers into the belief that the said barrels contained apple cider vinegar, when, in truth and in fact, said barrels did not contain fermented apple cider vinegar; and praying seizure, condemnation, and forfeiture of the product.

The causes coming on for hearing on the above libels, the court, being fully informed in the premises, issued its decrees, condemning the product, forfeiting the same to the use of the United States and ordering it to be relabeled "Imitation Cider Vinegar," and sold by the marshal of said district. On December 9, 1910, 33 barrels of the above-mentioned product, which were all that the marshal had been able to seize by virtue of the monitions issued in these proceedings, were sold for \$39.40, and the proceeds paid into court.

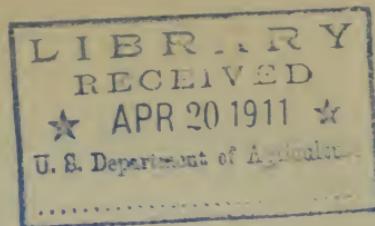
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 17, 1911.*





F. & D. No. 1165.
I. S. No. 5413-b.

Issued April 18, 1911.

United States Department of Agriculture, OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 816, FOOD AND DRUGS ACT.

ALLEGED MISBRANDING OF A DRUG PRODUCT—"LOPEZ SPECIFIC SPECIAL COMPOUND."

On or about August 12, 1909, John A. Riggs, Hot Springs, Ark., shipped from the State of Arkansas into the State of Missouri a quantity of a drug product labeled: "Lopez Specific Special Compound—\$5.00. Guaranteed by Lopez Remedy Company, under Food and Drugs Act, June 30, 1906—Serial No. 7344, and the Kansas Food and Drug Act, February 14, 1907, Serial No. 100; Arkansas Food and Drug Act, May 28, 1907, Serial No. 31. * * * Lopez Remedy Co., Wichita, Kansas, U. S. A., Hot Springs, Arkansas, U. S. A." Accompanying said bottle, and packed therewith, was a pamphlet descriptive thereof. Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, with the following results: Alcohol 27.40 per cent, potassium iodide 3.85 per cent, total mineral substances 6.02 per cent, total extractive material 9.40 per cent; giving reaction for a laxative drug such as podophyllum with odor, suggesting the presence of sarsaparilla, stillingia, eucalyptus, and taste indicative of the presence of a bitter tonic, like gentian. As the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Lopez Remedy Company, John A. Riggs, and the party from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court for the Eastern District of Arkansas against the said Lopez

Remedy Company and John A. Riggs, charging the above shipment and alleging that the product so shipped was misbranded within the meaning of the act in that: (1) The use of the word " Specific " upon the said label was unwarranted and misleading inasmuch as the article was not a specific; (2) the alcohol contained in said article was not declared in the manner prescribed by Regulation 17, Department of Agriculture; (3) the following statements which appear in the above mentioned pamphlet entitled " Plain Talk on Blood, Skin and Private Diseases;" " Lopez has no equal;" " Nothing but Lopez can and does work such wonders;" were false and misleading inasmuch as the remedy was not calculated to work wonders and was not an infallible cure for the diseases therein enumerated; (4) the statement in said pamphlet, to wit, " Lopez will effect a positive and permanent cure for rheumatism, in all of its many forms," was false and misleading for the reason that the said remedy would not effect a permanent, positive cure for rheumatism in all of its forms; (5) the statement in said pamphlet, " The only guaranteed cure for * * * Consumption, Scrofula, Syphilis, Rheumatism, Stomach, Liver and Bladder affections, Gleet, Sexual Weakness, and Failing Memory," was false, for the reason that the said remedy is not the only guaranteed cure for said diseases, or any of them; (6) the statement in said pamphlet, that " Lopez is a * * * vegetable remedy and positively contains no * * * minerals" is misleading, inasmuch as said remedy does contain minerals, to wit, 6.02 per cent mineral substance; (7) the said article also contained alcohol, 27.40 per cent; potassium iodide, 3.85 per cent; also mandrake (podophyl-lum), sarsaparilla, stillingia, eucalyptus, and gentian, and the label thereof failed to state correctly the proportion of alcohol in said article; (8) the aforesaid pamphlet accompanying said article contained the following statement: " We not only guarantee to permanently cure Scrofula, syphilis, Running Sores, Tubercular Glands, Erysipelas, Catarrh, Rheumatism, Stomach, Liver and Bladder affections, Gleet, Sexual weakness, Failing Memory, Weak Eyes, General Decline and Blood Poison, in every form, but further agree * * *," which statement was false and misleading in that the said article would not permanently cure consumption, rheumatism, or diseases of the stomach, liver, and bladder, in general, or any or all of said diseases, nor could it be relied upon to cure the other diseases specified in said statement; (9) accompanying said article so shipped was a printed circular or leaflet containing the following statement: " Only 3 to 6 \$5.00 16 Ounce Bottles of Lopez Specific is needed to cure Blood Poison (Syphilis), Scrofula (Running Sores), Malaria, Rheumatism, Paralysis, Early Consumption, Loss of Voice, Weak Eyes, Falling Hair, Sexual Weakness, General Decline, etc.," which statement was false and misleading, in that said article would not

cure consumption, scrofula, syphilis, and the other diseases specified therein, or any of them.

Upon arraignment the defendants filed a plea of not guilty to the above information, and trial was had to a jury. After the witnesses for the Government had been heard, the court, holding that no misrepresentation as to the curative or therapeutic qualities and properties of an article is a misbranding, directed the jury to return a verdict of acquittal, which was done.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

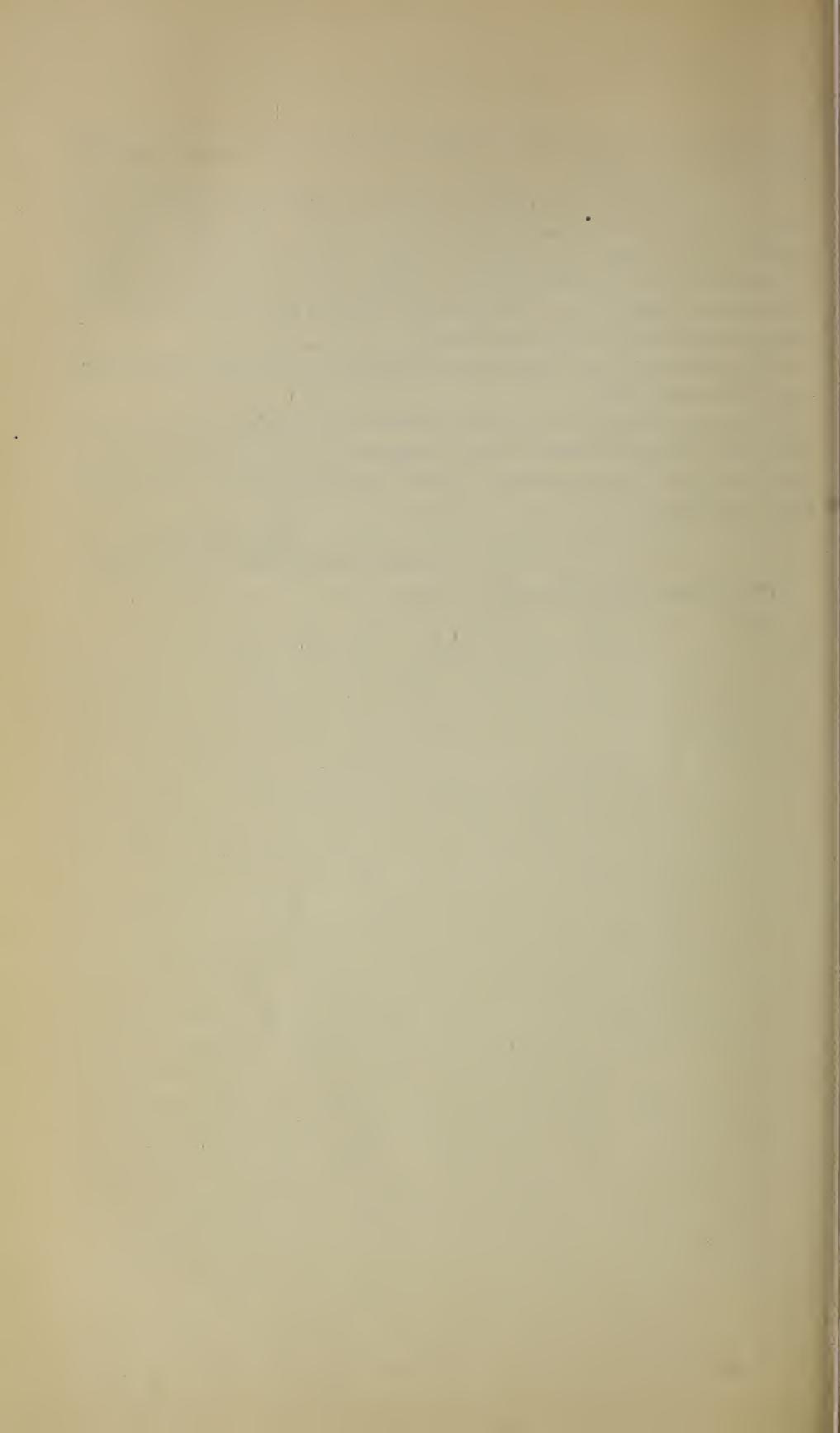
Decisions of the United States Circuit and District Courts and of the United States Circuit Courts of Appeal, adverse to the Government, shall not be considered as final until acquiescence shall have been published.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 18, 1911.*





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OFFICE OF THE SECRETARY.

United States Department of Agriculture,
OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 817, FOOD AND DRUGS ACT.

ADULTERATION OF OLIVES.

On or about September 16, 1910, there were shipped from the State of New York into the State of Pennsylvania two consignments of olives of, respectively, 15 and 4 barrels. The shipment of 15 barrels was made by Psaki Brothers, New York, N. Y., and said barrels were labeled: "I. H. M. 21316 Cacciola Bros. 913 Christian St., Phila., Pa." and the 4 barrels were shipped by Vincenzo Arezzo & Co., of said city, and each of said barrels was labeled: "New York—Cacciola Bros. 913 Christian Street, Phila., Pa., B. & W." Samples from said 19 barrels were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain a considerable number of worm-eaten and decayed olives, and therefore to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course libels were filed in the District Court of the United States for said district against said 15 barrels and 4 barrels of the product, charging the above shipment and alleging that the product so shipped was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance deleterious to health, and praying seizure, condemnation, and forfeiture of the product.

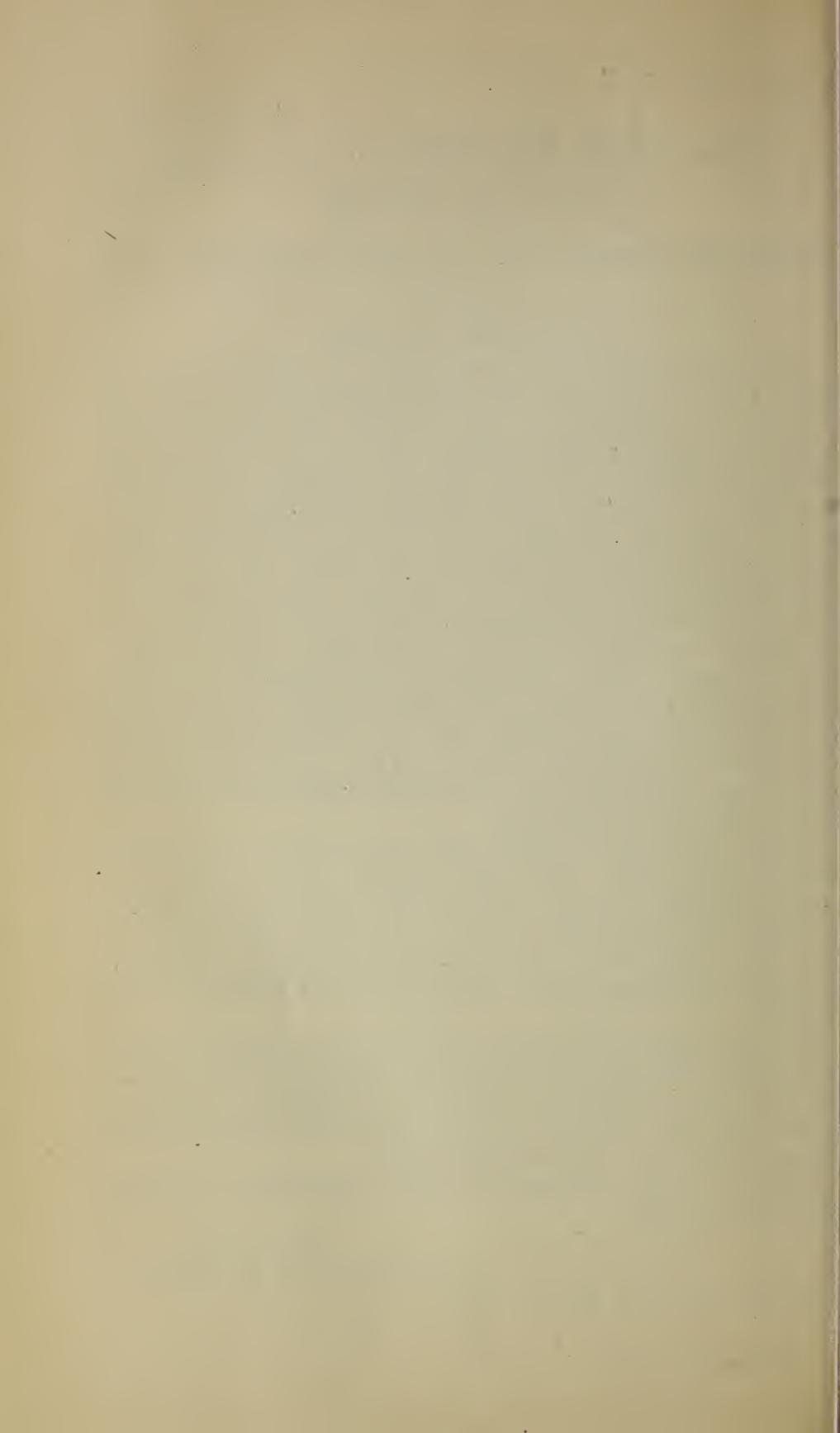
The cause came on for hearing and, no answer having been filed to the above libels, the court, being fully informed in the premises, issued its decree, finding said products to be adulterated as charged in said libels and ordering their destruction by the marshal of said district, which order was forthwith executed.

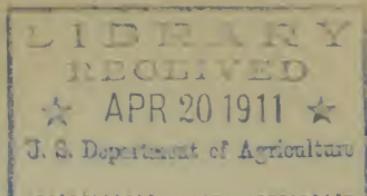
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., March 18, 1911.







I. S. No. 10358-b.

I. S. Nos. 11938-b, 11939-b, 11940-b, 11941-b, 11942-b, and 11953-b.

Issued April 18, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 818, FOOD AND DRUGS ACT.

ADULTERATION OF OLIVES.

On or about December 20, 1909, Psaki Brothers, a corporation, New York, N. Y., shipped from the State of New York into the State of Pennsylvania a quantity of olives. Samples from this shipment were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and it was found to consist in large part of decayed, wormy, and shriveled olives with rancid oil. As the findings of the analyst and report made showed that the olives were adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Psaki Brothers and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said Psaki Brothers, charging the above shipment and alleging the product so shipped to be adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal and vegetable substance.

On January 9, 1911, defendant entered a plea of guilty to the above information, whereupon the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. Hays,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 20, 1911.*



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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 819, FOOD AND DRUGS ACT.

MISBRANDING OF OLIVE OIL.

On or about October 9, 1909, A. Fiore, doing business as A. Fiore & Co., New York, N. Y., shipped from the State of New York into the State of New Jersey a quantity of a food product labeled: "Olio d'Oliva Puro Marca Colombo, Pure Olive Oil." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain more than 75 per cent cottonseed oil. As it appeared from the findings of the analyst and report made thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said A. Fiore and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against said A. Fiore, charging the above shipment and alleging that the product so shipped was misbranded in that it was labeled as above set forth, so as to deceive and mislead the purchaser thereof, in that the said label indicated that the contents of such container was a foreign product, to wit, pure olive oil from the Kingdom of Italy, whereas in truth and in fact it was not a foreign product but a domestic product, consisting almost entirely of cottonseed oil.

Upon arraignment the defendant entered a plea of guilty to the above information and the court suspended sentence.

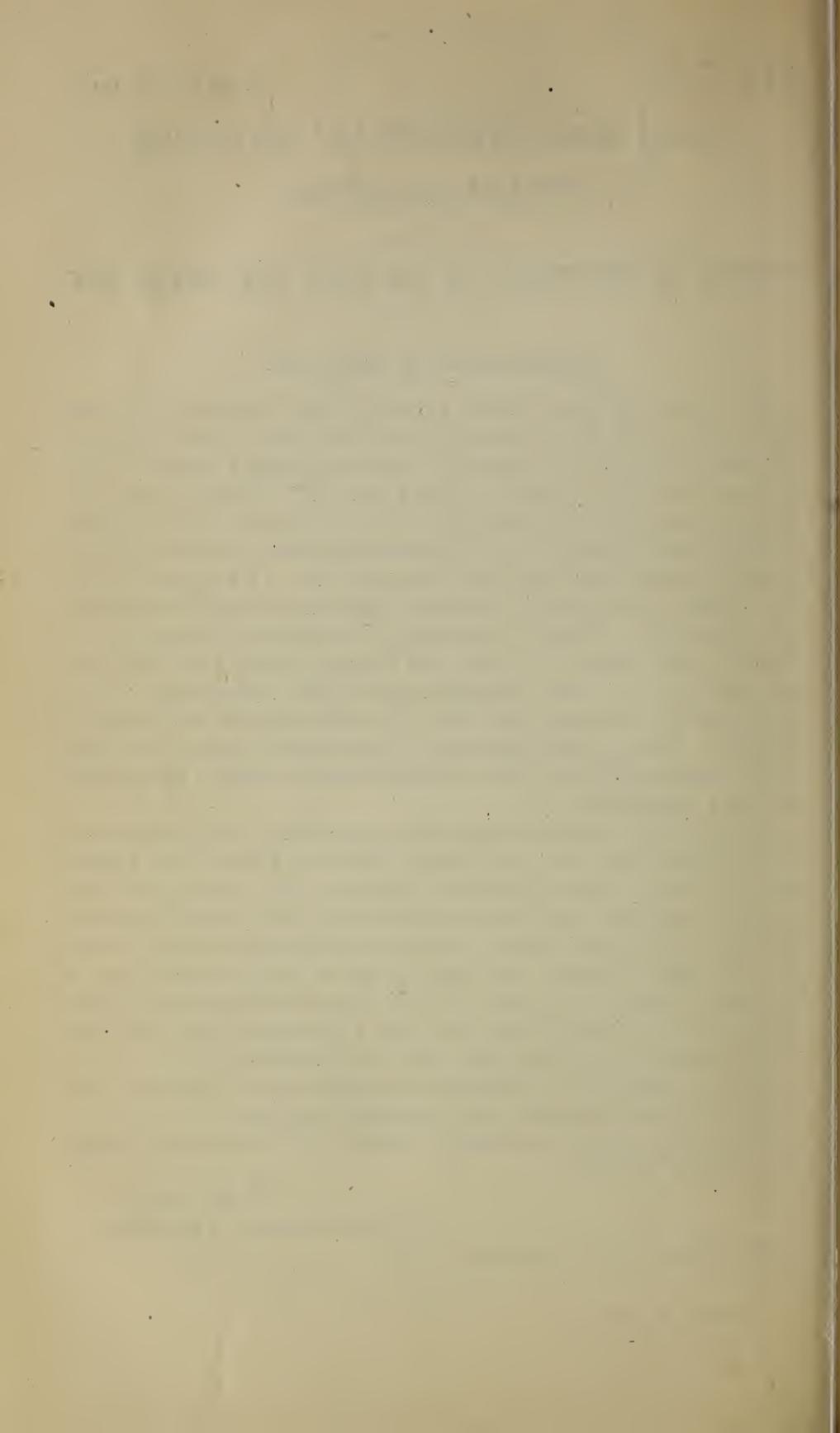
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

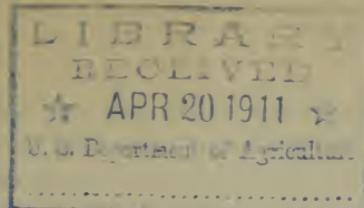
W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., March 20, 1911.







F. & D. No. 1884.
I. S. No. 2914-c.

Issued April 18, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 820, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"BURWELL'S INSTANTANEOUS HEADACHE CACHETS."

On or about July 7, 1910, The Willis H. Lowe Company, a corporation, Boston, Mass., shipped from the State of Massachusetts into the State of Michigan a quantity of a drug product labeled: "Burwell's Instantaneous Headache Cachets. These Cachets are composed of Caffeine and Acetanilid and are warranted free from Antipyrine, Morphine, Chloral or Opium. They are speedy, certain and safe remedy for Headaches of all origin, whether Sick, Bilious, Nervous or Hysterical . . . Manufactured by the Willis H. Lowe Co., Chemists and Perfumers, Boston, Mass. Instantaneous Trade Mark Burwell's Registered Headache Cachets." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to consist of caffeine, acetanilid, and sodium bicarbonate. As the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Willis H. Lowe Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the District of Massachusetts against the said Willis H. Lowe Company, charging the above shipment, and alleging that the product so shipped was misbranded, in that the statement appearing on the label above set forth, that is to say, that said drug was a speedy, safe, and certain remedy for headaches of all origin, was false and misleading, because the said drug possessed

no therapeutic value for headaches of any origin, and was not a safe remedy because it contained a large amount of acetanilid, a dangerous drug which rendered the product unsafe for use by persons suffering from headache, and in that the product contained a large amount of acetanilid, the quantity or proportion of which was not declared or stated upon the label thereof.

On January 27, 1911, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

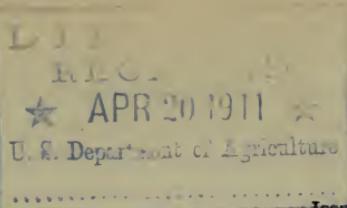
W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 21, 1911.*

820





F. & D. Nos. 2185, 2204, 2205.
S. Nos. 797, 805.

Issued April 18, 1911.

United States Department of Agriculture,
OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 821, FOOD AND DRUGS ACT.

ADULTERATION OF TOMATO CATSUP.

On or about December 10, 1910, R. C. Chance's Sons, Mount Holly, N. J., shipped from the State of New Jersey into the State of Massachusetts two consignments of tomato catsup of, respectively, 350 and 175 cases. The 350 cases were labeled: "Mayflower Brand Tomato Catsup;" 100 of the remaining cases were labeled: "Home Brand Tomato Catsup;" and the remaining 75 cases were labeled: "Sogood brand Tomato Catsup," all of these products having been manufactured by R. C. Chance's Sons, Mount Holly, N. J. Samples of these products were procured and examined by the Bureau of Chemistry, United States Department of Agriculture. The sample from the 350 cases showed yeasts and spores at the rate of 65 per one-sixtieth cmm, bacteria 150,000,000 per cc, with mold filaments in 75 per cent of the microscopic fields examined. The sample from the 100 cases showed yeasts and spores at the rate of 63 per one-sixtieth cmm, bacteria 127,000,000 per cc, with mold filaments present in 80 per cent of the microscopic fields examined. The sample from the 75 cases showed yeasts and spores at the rate of 55 per one-sixtieth cmm, bacteria 150,000,000 per cc, with mold filaments present in 85 per cent of the microscopic fields examined. As the findings of the analyst and report thereon indicated that the products were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Massachusetts.

In due course libels were filed in the District Court of the United States for said district against the said 350 cases and 175 cases of tomato catsup, respectively, charging the above shipments and alleging the products so shipped to be adulterated within the meaning of the act, in that they consisted in part of filthy, decomposed, and putrid animal and vegetable substances, and praying seizure, condemnation, and forfeiture of the products.

On January 27, 1911, the causes came on for hearing and the court, being fully informed in the premises, issued its decree finding the said products to be adulterated as charged in the above libels, and ordering the destruction thereof by the marshal of said district.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

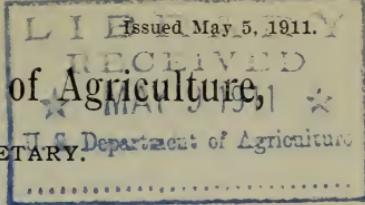
W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 21, 1911.*

821





United States Department of Agriculture

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 822, FOOD AND DRUGS ACT.

MISBRANDING OF LONDONDERRY LITHIA WATER.

On or about February 14, 1910, there were offered for sale in the District of Columbia 33 cases of alleged lithia water, 15 cases of which, each containing 12 bottles of water, were labeled: "London-derry Lithia Water from Nashua, N. H., U. S. A. Glass. 12 half gallons. Still. Store. Positively this side up; Must not be stored on side;" each of the bottles contained in said 15 cases being labeled: "Londonderry Lithia Spring Water Co., Nashua, N. H., U. S. A., For Rheumatism, Neuralgia, Dyspepsia, Eczema, Malarial Poisoning, Gout, Gravel, Bright's Disease, Diabetes, Dropsy and all diseases of the Kidneys and Bladder. Directions: Take 6 to 10 glasses a day to exclusion of other drinks. For best effect take half hour before meals. Guaranteed under Food and Drugs Act, June 30, 1906, Serial No. 3139"; 5 of said cases, each containing 50 bottles of carbonated water, were labeled: "From the Londonderry Lithia Spring Water Co., Nashua, N. H., U. S. A. Must not be stored on side. Glass. 50 large bottles carbonated. Store positively this side up;" each of the bottles contained in said 5 cases being labeled: "Sparkling Londonderry Lithia Spring Water. Londonderry Lithia Spring Water Co., Nashua, N. H., U. S. A. Artificially carbonated. Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 3139;" the remaining 13 cases, each containing 100 bottles carbonated water, were labeled "Londonderry Lithia Spring Water Co., Nashua, N. H., U. S. A., Must not be stored on side. Glass. 100 medium bottles carbonated. Store positively this side up;" each of the bottles contained in said 13 cases bearing labels identical with those on the bottles in the 5 cases last above mentioned. Samples of the water contained in said 33 cases were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and the product contained in the 15 cases first above mentioned showed no weighable amount of lithium in 2,000 cc., but only a faint spectroscopic trace, insufficient to give the therapeutic action of lithia when a reasonable quantity of the water was consumed. Examination of samples of the carbonated water contained in the 5 and 13 cases

above mentioned showed it to contain no weighable amount of lithium in 3,910 cc., to be artificially carbonated, and to contain added sodium chloride and sodium bicarbonate, the presence of which was not stated on the label in question. As it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Columbia.

In due course a libel was filed in the Supreme Court of said District against the said 33 cases of Londonderry Lithia Water charging the above offering for sale and alleging that the product in question was misbranded within the meaning of the act: (1) In that the above mentioned 15 cases and the bottles therein contained bore labels containing certain statements regarding the product which were exaggerated, false, and misleading, to wit, the statements that the liquid contained in said bottles was a lithia water, when in truth and in fact the product did not contain an appreciable amount of lithium and was not a lithia water, and did not contain sufficient lithium to give the therapeutic action of lithia when a reasonable quantity of said water was consumed in the treatment of rheumatism, neuralgia, dyspepsia, eczema, and the other diseases mentioned upon said label; and (2) in that the remaining 18 cases above referred to and the bottles of the product therein contained did not contain an appreciable amount of lithium and that the product was not a lithia water and in that the said bottles and each of them contained substances and ingredients, to wit, sodium chloride and sodium bicarbonate, and that neither of these added substances was named upon said label as being contained in said water, and that the said sodium chloride and sodium bicarbonate were not contained in the said water in its natural state, and in that the product contained in the said bottles was not a natural sparkling water, and in that the said bottles and each of them bore on the label the statement "artificially carbonated," and that this statement "artificially carbonated" was not used in the principal portion of said label but appeared upon said label in an obscure place and was so used to mislead and deceive the purchaser, said label as a whole indicating that the contents of said bottles was a natural water, and praying seizure, condemnation, and forfeiture of the product.

On January 12, 1911, the above mentioned Londonderry Lithia Spring Water Company consented that a decree of condemnation be entered pursuant to the prayer of the above libel, whereupon the court being fully informed in the premises, issued its decree finding said 33 cases of water to be misbranded within the meaning of the

act, condemning and forfeiting the product to the use of the United States, and ordering its destruction by the marshal of said district, assessing the costs of these proceedings upon the company aforesaid.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

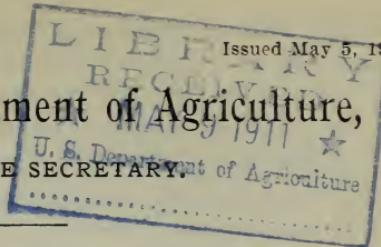
WASHINGTON, D. C., *March 22, 1911.*

822

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United States Department of Agriculture,

OFFICE OF THE SECRETARY: U. S. Department of Agriculture



NOTICE OF JUDGMENT NO. 823, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF LEMON EXTRACT.

On or about March 21, 1909, Jacob Frank, Charles Frank, and Emil Frank, trading under the firm name and style of Frank Tea and Spice Company, shipped from the State of Ohio into the State of Kentucky a quantity of so-called lemon extract labeled: "P. & S. Brand Extract Terpeneless Lemon—Artificially Colored. The Frank Tea & Spice Co., Cincinnati, O." An analysis of a sample of this product by the Bureau of Chemistry, United States Department of Agriculture, was made with the following results: "Polarization, 0.0; lemon oil by precipitation, none; lemon oil by polarization, none; color, naphthol yellow S, artificial; citral, 0.05 per cent; and alcohol, 49.1 per cent." As the finding of the analyst and report made showed that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Jacob Frank, Charles Frank, and Emil Frank, and the parties from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Southern District of Ohio against said Jacob, Charles, and Emil Frank, charging the above shipment and alleging that the product so shipped was adulterated in the following particulars, to wit:

First. That another substance, to wit, a dilute solution of alcohol and water, was substituted in part for the terpeneless lemon extract, in that said article, represented to be terpeneless lemon extract, contained no more than 0.05 per cent of citral derived from the oil of lemon, whereas terpeneless lemon extract should contain 0.2 per cent of citral derived from oil of lemon, according to the standards of purity for food products, established by the Secretary of Agriculture of the United States, in accordance with the provisions of the act of Congress approved March 3, 1903 (32 Stat., 1158).

Second. That a dilute solution of alcohol and water was mixed and packed with said article of food so as to reduce and lower and injuriously affect its quality and strength. The information further alleged that the aforesaid product was misbranded in that the statement, to wit, "extract terpeneless lemon", was false, misleading, and deceptive, as said article of food did not contain 0.2 per cent of citral derived from lemon, but contained only 0.05 per cent of said citral, and therefore was not terpeneless lemon extract as recognized in the trade generally and in the standards of purity for food products established by the Secretary of Agriculture of the United States in collaboration with the Association of Official Agricultural Chemists.

On October 11, 1910, the above-named defendants pleaded guilty to the above information, and to the allegations of adulteration and misbranding in manner and form as alleged therein, whereupon the court imposed a fine of \$200 and costs.

On a motion of counsel for defendants the court took its decision under reconsideration and briefs were filed by the defendants' counsel and by the United States attorney.

On January 21, 1911, Judge Hollister filed an opinion affirming his judgment of October 11, 1910. The opinion is as follows:

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION.

THE UNITED STATES OF AMERICA, *Plaintiff*,
vs. } No. 747.
 JACOB FRANK ET AL., *Defendants*.

The United States filed an information against Jacob Frank, Charles Frank, Emil Frank, doing business under the firm name and style of the Frank Tea and Spice Company, charging them with having unlawfully shipped and delivered for shipment from Cincinnati to a firm at Mount Sterling in Kentucky, one gross bottles of a certain article of food purporting to be terpeneless lemon extract, marked "P. & S. Brand Extract Terpeneless Lemon Artificially Colored. The Frank Tea & Spice Co., Cincinnati, O.", and that same was adulterated in that a dilute solution of alcohol and water was substituted in part for said terpeneless lemon extract so that the same contained no more than five one-hundredths of one per cent (.05%) of citral derived from the oil of lemon; whereas, it should contain at least two-tenths of one per cent (.2%) by weight of citral derived from the oil of lemons, as required by the standards of purity for food products, established by the Secretary of Agriculture in accordance with the provisions of the Act of Congress, approved March 3rd, 1903, 32nd Statutes at Large 1158.

The information also charged that the dilute solution of alcohol and water was mixed and packed as and with said article of food so as to reduce and lower and injuriously affect the quality and strength of the article of food purporting to be terpeneless lemon extract.

For a second count the information charges that the article of food called terpeneless lemon extract was misbranded in that the statement on the bottles that the article contained therein was extract terpeneless lemon was false and

misleading in that the article did not contain at least two-tenths of one per cent of oil product by weight of citral derived from the oil of lemon and did in fact contain only five-hundredths of one per cent (.05%) of citral and that the same was not terpeneless lemon extract as recognized in the trade generally and in the standards of purity of food products established by the Secretary of Agriculture in collaboration with the Association of Official Agricultural Chemists, approved by Act of Congress, May 3, 1903, 32 Stat. at Large, 1158.

The defendants believing, as admitted in open court, that only a nominal fine would be imposed upon a plea of guilty as for a technical violation of the Pure Food Law, pleaded guilty.

The defendants having within some six or seven months prior to the filing of this information pleaded guilty to two so called technical violations of the Pure Food Law and being thereupon fined only in nominal amounts, the court on this plea imposed a fine of \$200.00. Thereupon the defendants deeming themselves aggrieved, and upon the urgent solicitation of their counsel, the court permitted counsel to file a brief in support of the proposition that no offense in fact had been committed under the laws of the United States. Counsel for the defendants submitted an elaborate brief to which the District Attorney filed a brief in answer.

Upon consideration of these the court is of opinion that there is an offense against the laws of the United States charged in this information and sees no reason why, under the circumstances of the case, the fine imposed was too large.

On March 3, 1903, the Congress appropriated a sum of money to the Department of Agriculture for the fiscal year ending June 30, 1904, for the purpose, among others, "to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to establish standards of purity for food products and to determine what are regarded as adulterations therein, for the guidance of the officials of the various States and of the courts of justice. * * *"

The information alleges that the standard of purity for terpeneless lemon extract was established by the Secretary of Agriculture and it appears aliunde that in the publication of Department of Agriculture, Circular No. 19, the following: "Terpeneless extract of lemon is the flavoring extract prepared by shaking the oil of lemon with dilute alcohol, or by dissolving terpeneless oil of lemon in dilute alcohol, and contains not less than two-tenths (0.2) per cent by weight of citral derived from oil of lemon."

That the Secretary of Agriculture had the constitutional power under the act of 1903 to establish standards for purity of food products is not disputed, nor could it be under the decisions of the Supreme Court of the United States. He adopted the standard for the article of food in question as alleged in the information. The allegation of the information is that the standard so established was existent at the time of the filing of the information.

On June 30, 1906, (34 St. at Large, 768) the Congress provided: "That the introduction into any State * * * from any other State * * * any article of food * * * which is adulterated or misbranded," (within the meaning of this act) "is hereby prohibited." And the offender, "shall be guilty of a misdemeanor and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court."

The Act further provides that an article shall be deemed to be adulterated, in the case of food, "if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality and strength," and shall be deemed to be misbranded, "If the package containing it or its label shall bear any statement, design, or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular."

The claim of the defendants is that the statute does not distinctly incorporate the standards fixed by the Secretary of Agriculture within the provisions of the Food Law and it does not therefore define a criminal offense.

The answer to this is that if the Secretary of Agriculture had the power to fix standards and did fix a standard of this food product, which standard was in existence at the time the Food Law was passed, and the information charges wherein the article was adulterated and misbranded with respect to this standard, there seems to be no room for doubt that if upon proof that the article did not conform to the requirements of the standard of purity established by the Secretary of Agriculture, then an offense has been charged under the laws of the United States.

The defendants claim that the Act of 1903 was a mere appropriation law, but it would seem that a law appropriating a certain sum of money to the Secretary of Agriculture for the purpose of doing certain things which he could constitutionally do for the purpose of fixing standards of purity of food and that he did so fix them, carries with it a necessary implication that he could do that for which the money was appropriated to him for the purpose of doing, and when he fixed the standards then those standards prevailed unless they have been changed since. It does not appear that they have been changed.

The defendants claim that as the Act of 1906 does not incorporate the standards fixed by the Secretary of Agriculture, the act of the Secretary was legislative in character and hence no criminal offense could be predicated upon it. It is also claimed that since the Act of 1906 in describing drugs, refers to the Pharmacopoeia or National Formulary, and in describing what food is, refers to no standard at all, Congress has not fixed any standard for food. Both of these claims are based on a misapprehension. Section 6 of the Act of 1906 provides:

"That the term 'drug' as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of diseases of either man or other animals. The term 'food,' as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound."

These are mere terms of description. If the Pharmacopoeia or National Formulary says something is a drug, it is a drug under the meaning of the Act. Or if it comes under the other description of what a drug is, it is a drug, and so food also is described. There are no standards fixed in either case, for, if any substance or mixture is intended to be used for the cure, mitigation, or prevention of disease of either man or other animals, it is nevertheless a drug whether it is recognized in the Pharmacopoeia or National Formulary or not. The standard for food was fixed by the Department of Agriculture under the Act of 1903. If one in the business of making food products would look for the standard he would find it in the promulgations of the Secretary of Agriculture made under direct authority of Congress. The act of 1903 does not describe any offense, but the act of 1906 says that if any article of food

adulterated or misbranded is manufactured or transported so as to become the subject of interstate commerce, the maker, transporter, etc., shall be guilty of an offense. How shall it be known whether he is guilty of an offense or not? The answer is clear, by referring to the standards which have been established under the authority of Congress.

The Secretary of Agriculture, under authority of Congress, fixed the standards of purity for certain foods. This is a fact upon which the law of 1906 operates. It is not a law. The law of 1906 under which the offense is charged to have been committed says what food is. The offense charged is that the defendant transported a food and that it was adulterated and misbranded. How is this to be ascertained? By looking to the standard as a fact.

The question is dealt with in *Coopersville Co-operative Creamery Co. v. Lemon*, 163 Fed., 145. It appears that the Oleomargarine Act, May 19, 1902, U. S. Comp. Stat. Sup. 1907, page 637 provides: That "any butter in the manufacture or manipulation of which any process or material is used with intent or effect of causing the absorption of abnormal quantities of water, milk or cream," shall be deemed "adulterated butter" and authorizes the Commissioner of Internal Revenue to decide what substances are taxable thereunder. It also authorizes him, with the approval of the Secretary of the Treasury, to make all needful regulations for carrying the act into effect. It was held that Such a regulation, providing that butter containing 16 per cent. or more of water, milk, or cream should be classified as "adulterated butter" under the act, was within the authority so granted, and was valid, being neither an exercise of legislative or judicial power, but merely a determination as a question of fact of what constitutes an "abnormal" quantity of water, etc., upon which the application of the statute is made to depend.

Judge Lurton, speaking for the Circuit court of appeals says: "The contention that the delegation of authority to promulgate, such a regulation is to delegate either legislative or judicial power to an executive officer is founded upon a misapprehension of the character of the authority delegated. That Congress cannot delegate legislative authority or power to any executive official or board of officials is elementary. To do so would be destructive to our whole system and scheme of government. *Field v. Clark*, 143 U. S. 649, 691, 12 Sup. Ct. 495, 36 L. Ed. 294. That the delegation of authority to add to or take from a law would be to delegate legislative power must also be conceded. But that Congress may enact a law and delegate the power of finding some fact or state of things upon which the operation of the law is made to depend is equally clear. *Field v. Clark*, 143 U. S., 649, 12 Sup. Ct. 495, 36 L. Ed. 294; *In Re Kollack*, 165 U. S. 526, 17 Sup. Ct. 444, 41 L. Ed. 525; *Union Bridge Co. v. United States*, 204 U. S. 364, 386, 27 Sup. Ct. 367, 51 L. Ed., 523. The authority to make all needful regulations not inconsistent with law is not a delegation of power to add something to an incomplete law nor a grant of judicial power. It is only an authority to determine the fact upon which the operation of the law is made to depend. Congress might have made the necessary tests and might have acquired the knowledge of the butter-making art to enable it to have enacted that adulterated butter should consist of butter having a moisture content of 16 per cent. or more. But that would have been an unnecessary detail, for it was altogether competent to declare that butter which contained an abnormal quantity of water, milk, or cream should be classified as adulterated butter, and that the fact as to what was, in dairy butter, an abnormal proportion of water, milk, or cream should be determined by a regulation of the Commissioner of Internal revenue, with the approval of the Secretary of the Treasury."

It surely can make no difference that the authority to establish the standard was not in the Act itself creating the offense as in the Oleomargarine Law. It may be well said that the Food and Drugs Act of 1906 was made with special reference to the standards of food fixed by the Secretary of Agriculture under prior authority of Congress.

It is true that the unreported case of the United States *v.* St. Louis Coffee and Spice Mills, decided, May 22, 1909, in the District Court for the Eastern District of Missouri, bears out the contention of the defendant, but in a subsequent case, United States *v.* Edward Weston Tea and Spice Company, decided November 30, 1909, the same Court submitted to the jury a case necessarily involving the same question. If he at that time entertained the opinion expressed in the other case he would not have permitted the case to go to the jury.

The court is of opinion that the information charges an offense. There is some doubt in the court's mind as to the propriety of passing upon this question of law at all. The defendant before pleading guilty had the opportunity to demur to the information, and, having many months in which to make up his mind what to do, pleaded guilty. Not until the imposition of a fine unexpectedly large did he raise the question here discussed. It is probable that the fine having been imposed on the plea of guilty the matter has passed from the power of the court to the pardoning power. The court has no intention of making this case a precedent which may be followed in similar cases. If persons charged with an offense against the laws of the United States with ample time to prepare their defense, assisted by able counsel, nevertheless pleaded guilty and a fine was imposed, it is difficult to see upon what ground they have right to appeal to the court by an attack upon the legality of the proceeding.

The court has only looked into the subject lest some injury has come to the defendants through their own plea of guilty.

The Food and Drugs Act is one of the most beneficent legislative enactments of recent times and its provisions must be observed.

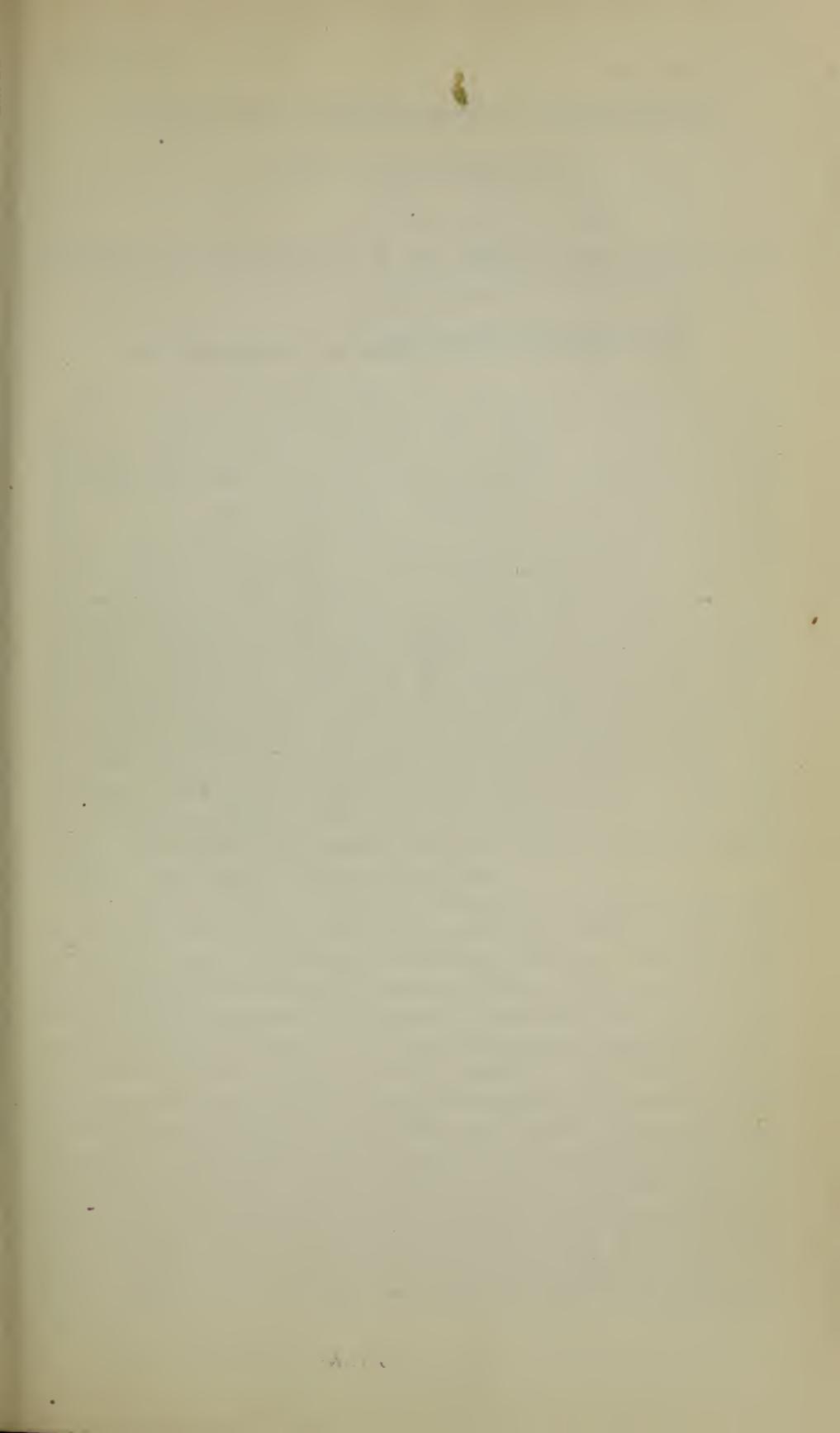
HOLLISTER, *Judge.*

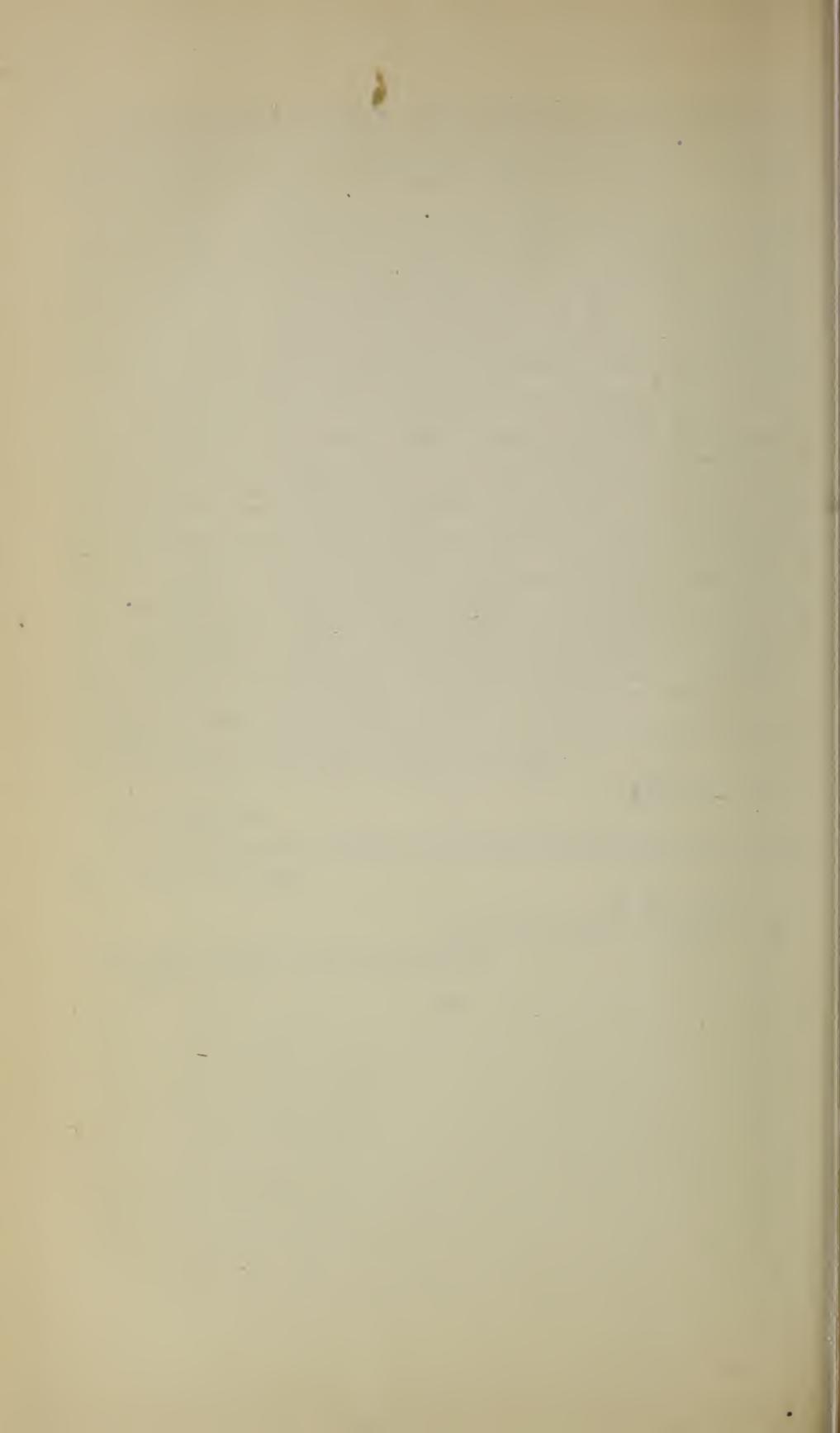
JANUARY 20, 1911.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 25, 1911.*





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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NOTICE OF JUDGMENT NO. 824, FOOD AND DRUGS ACT.

MAY 9 1911
U. S. Department of Agriculture

ADULTERATION AND MISBRANDING OF PORT WINE.

On or about October 11, 1909, the Independent Distilling Company, a corporation, Kansas City, Mo., shipped from the State of Missouri into the State of Kansas a quantity of a food product labeled: "Port Wine Type Guaranteed under the National Pure food law * * * The Independent Distilling Company, Kansas City, U. S. A." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be an imitation port wine, containing commercial glucose and benzoate of soda, not declared upon the label. As the findings of the analyst and the report made showed that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Independent Distilling Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence upon which to base a prosecution.

On August 16, 1910, a criminal information was filed in the District Court of the United States for the Western District of Missouri against the said Independent Distilling Company, charging the above shipment and alleging that the product so shipped was adulterated in that glucose and benzoate of soda had been mixed and packed with the product so as to make the same an imitation of port wine, and that said bottles of liquid labeled: "Port Wine Type" had been mixed and colored in a manner whereby the same was made to deceive and mislead the purchaser and whereby damage and inferiority of said liquids were concealed; and alleging the product to be misbranded in that it was labeled as above set forth, when, in truth and in fact, the product was an imitation of port wine offered for sale under the distinctive name of another article, to wit, port wine, another and different article than the product shipped as above set forth; and that the said labels were such as to deceive the purchaser thereof.

On November 9, 1910, the defendant entered a plea of guilty to the above information, whereupon the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 25, 1911.*

824





F. & D. No. 1512.
I. S. No. 10360-b.

Issued May 5, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 825, FOOD AND DRUGS ACT.

ADULTERATION OF A FROZEN EGG PRODUCT.

On or about February 11, 1910, F. E. Rosebrock & Co., a corporation, New York City, shipped from the State of New York into the State of New Jersey a consignment of frozen egg product. Samples from this shipment were procured, and analysis by the Bureau of Chemistry, United States Department of Agriculture, showed it to contain formaldehyde; that it was a very poor product made from spotted eggs; contained large pieces ($\frac{1}{2}$ by 1 inch) filled with mold, several blood clots, some eggshells, the heads of two chick embryos, and an excessive number of organisms, including the B-coli group. As it appeared from the above analysis and report thereon that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said F. E. Rosebrock & Co., Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said F. E. Rosebrock & Co., Incorporated, charging the above shipment and alleging that the product so shipped was adulterated in that it contained formaldehyde and in that it consisted of a filthy, decomposed, and putrid animal or vegetable substance. Upon arraignment the defendant entered a plea of not guilty to the above information, and the case coming on for hearing, the issues were tried to a

jury, and the evidence and arguments of counsel on the part of both parties having been heard, the court instructed the jury as follows:

The COURT (HOUGH, J.): Gentlemen, the Act of Congress under which this information is brought, and about which so much is heard nowadays, not only in the court room but in the public print, is (in its application to this particular transaction,) as follows: The introduction into any State from another State of any article of food which is adulterated is prohibited, and the person who ships such article of food from one State to another, (and person means corporation also,) shall be guilty of a misdemeanor,

Now the word "adulterated" is of course one of very wide, or rather uncertain meaning, and therefore for the purpose of this act it is defined with great particularity as meaning in the case of food, two things, which are relevant to this trial: An article of food is adulterated if it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health. It is also for the purpose of this act deemed adulterated (although the word cannot be used in that sense ordinarily,) if it consists in whole or in any part of a filthy, decomposed or putrid animal or vegetable substance.

The act then continues, although the rest of this section does not I think relate to this case, but it shows the general scope of the act, "or if it consists of any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that had died otherwise than by slaughter." I have read that merely to show the general scope of the legislation in this regard.

What is charged in this information and what is therefore on trial before you, is composed of two parts, that is, the charge is of two parts. The first is, that these eggs which are the subject of investigation contained formaldehyde, and it is said that formaldehyde is a deleterious ingredient which may render an article injurious to health; and it is also charged, irrespective of the formaldehyde, that the eggs themselves were filthy, decomposed or putrid. Now, probably there is nothing so difficult in the world as a definition; sometime when you have an opportunity, try to make an accurate full complete definition of anything, say a coat, and you will find it very hard; but from dictionaries and from the questions put to witnesses, and the study I have given the matter; I charge you that the meaning of the word "putrid" is, that a putrid substance is in such a state of decay as to be fetid or stinking from rottenness; an article which is decomposed is an organic body, (as are eggs) reduced or being reduced to a state of dissolution by the processes of a natural decay, and an article which is filthy or dirty, noisome or nasty.

Take up the last word first; after some consideration I have concluded and so instruct you that inasmuch as it is a matter of common knowledge that an egg is not of itself dirty, such an article, namely, an egg, may become putrid or decomposed by the simple process of decay and the resultant or natural causes, but it will not become filthy, unless something be added thereto which renders it dirty, noisome, or nasty.

There is no evidence in this case that the eggs which are the subject of this investigation, had become filthy in that sense; therefore you will divide your consideration of this case into two parts: The first inquiry is, was there formaldehyde added to these eggs, and if there was formaldehyde added to these eggs, what is the nature of formaldehyde, both of which are questions of fact. On the other hand, you have the statement of defendant's president, that he is the manager of the business, and that in that business, the defendant so far as he knew, never bought any formaldehyde since it was in operation. On the other hand, you have the statement of the chemist who testified that formaldehyde by well-known scientific tests was found to be present in the product when it was examined in Washington, and that, just like every other question of fact, is for your consideration alone.

If you find there was formaldehyde in this substance, then it appears to me you would be justified in inferring from the evidence on both sides that formaldehyde is what is known as an irritant, that is, it produces such a condition of irritation of the soft linings of the digestive tracts that if taken in sufficient quantity, it is injurious to human health. If, therefore, on the first branch of the case, you should be of the opinion that these eggs, no matter how bad they were, or how good they were, did contain formaldehyde, and you should be sure of the opinion that formaldehyde has a discoverable odor and was an ingredient so deleterious, that it might render the eggs injurious to health, then the Government has maintained that branch of the proposition.

But entirely irrespective, as I have said, of the presence or absence of formaldehyde, the Government's contention is that the eggs were putrid and decomposed. But there was no smell discernible, so you have to come to the formaldehyde proposition, because it is said that formaldehyde disguises smell. But you have further to determine (irrespective of formaldehyde, and irrespective of putridity,) whether the decomposition of these eggs had progressed so far that the eggs were in common parlance rotten.

Now, to approach this question, as in an every day business manner; it is perfectly fair to ascertain what is it, that you would have asked for, if you wanted to buy the article that Worischek bought? The trade name by all the evidence appears to be frozen eggs. What are frozen eggs? In the first place, they are broken. Naturally, the inquiry arises why are they broken? In the next place, the contents of the egg shell are strained through a sieve-like article; and the inquiry is perfectly natural; why are they strained? In the next place, the whites and yolks are mixed. Again the inquiry, why? When this product, strained and mixed, was collected, in the month of February, 1910, the trade price at which those articles were sold, was 18 cents per pound, which according to the witnesses who averaged nine eggs to the pound, makes 24 cents per dozen; and tanners' eggs are worth four cents per pound. Why was all this done; what is the effect of the freezing, and what is the effect of the preservative formaldehyde, if there was a necessity for a preservative, and if there was in fact formaldehyde present?

It appears to me, that by all the testimony, the action of both cold and preservative, if there was any, was to arrest decay; further, I think it is perfectly fair to assume by all the testimony, leaving however the question of fact to you, that eggs are frozen, and the commercial article of frozen eggs exists for the purpose of arresting decay in the eggs so frozen.

Now, it is to be remembered that this is an article of food, and if an article of food be in such a state that it be deemed desirable to arrest decay by cold or preservatives or both, then it follows that in that article, (as testified to by both sides and all of the scientific experts here,) when the cold is removed, and the action of the preservative exhausted, decomposition will reassert itself, and progress even more rapidly than before.

The question, therefore, would seem to be perfectly fair, can a person who deals in frozen eggs, or other articles that may be preserved by cold or otherwise from the process of decay, such preservation being temporary only, rely upon instant use? What is reasonably to be expected, if an article is sent forth in trade for sale and distribution; and in the particular case of frozen eggs, what is to be expected in the distribution and sale thereof to bakers, for insertion into such articles of their product as may require eggs?

So, according to my understanding, when those eggs got to Washington on February 12th or two days after they were sold, you are asked to believe by the prosecution that the eggs were then in such condition as would reasonably be expected by any person who put them forth for food consumption, unless they were to be eaten, absolutely frozen.

Now, so far as the scientific knowledge which has been exposed to us, I am frank to say that a great deal of it falls off me, and I strongly suspect that a great deal falls off you, very much like the proverbial water off a duck's back; but I think that this result may be taken to have been shown by the scientists on both sides: There may be bacteria or bacilli without decomposition, but there cannot be decomposition without the presence of bacilli or bacteria. Decomposition when carried far enough will usually result in organic bodies in putrefaction, which is an advanced stage of decomposition, with a fetid odor; the odor of putrefaction can be temporarily concealed by certain chemicals, of which formaldehyde is one.

Now, says the government, from the quantity and kind of bacteria discernible in this particular shipment of eggs,—it is for you to say whether at a time, and in a condition that might reasonably have been expected as the time and condition of consumption,—do the eggs show such an advanced stage of decomposition as to bring them under the condemnation of the act? which I interpret, to the best of my knowledge to mean that those eggs were in common parlance rotten eggs.

This, gentlemen, I believe to be the whole case. Returning again to the two propositions, which I have before indicated; if you are of the opinion that formaldehyde was present in the shipment in question, if you are further of the opinion that formaldehyde is a deleterious ingredient, that may render the article containing it injurious to human health, that alone is sufficient to warrant a verdict of guilty. If you are of the opinion that there was no formaldehyde in that article, but if you are of the further opinion that the eggs were decomposed, in the sense of being in common parlance, rotten, that fact is sufficient to warrant a finding of guilty. If you are of the opinion that there was no formaldehyde, and if you are further of the opinion that the eggs were not in such a stage of decomposition as to entitle them to be termed rotten, then you should bring in a verdict of not guilty.

In this case, no matter whether the person or party proceeded against is a corporation or not, this being a criminal case, it is just as necessary to find the result to which you arrive in favor of the prosecution beyond a reasonable doubt, as in any other case. During other trials in which you jurors of the present panel have been sitting, I have had occasion to define the meaning of the words reasonable doubt; I do not think it is necessary to repeat it. I assume I am talking to intelligent men.

The jury rendered its verdict in due form, finding the defendant guilty as charged in the above information, whereupon the court entered its judgment in accordance with said verdict and imposed a fine of \$200.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. L. MOORE,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 29, 1911.*





United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 826, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"KICKAPOO COUGH CURE."

On or about July 29, 1910, the Kickapoo Indian Medicine Company, a corporation, Clintonville, Conn., shipped from the State of Connecticut into the District of Columbia a quantity of a drug product labeled: "Kickapoo Cough Cure. Alcohol 18½ % Price 25 cents. Guaranteed under the Food and Drugs Act, June 30, 1906, Serial 677. Manufactured by the Kickapoo Ind. Med. Co., Inc., Clintonville, Connecticut. Kickapoo Cough Cure for coughs, colds, hoarseness, sore throat, croup, bronchitis." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be a hydro-alcoholic solution of sugar, glycerine, vegetable extractive, aromatic bodies, inorganic salts, and undetermined matter. As the findings of the analyst and report made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Kickapoo Indian Medicine Company and the parties from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

On January 20, 1911, a criminal information was filed in the District Court of the United States for the District of Connecticut against the said Kickapoo Indian Medicine Company charging the above shipment and alleging the product so shipped to be misbranded in that, although said drug contained alcohol, the package or bottle containing said drug failed to bear a statement on the label of the quantity or proportion of alcohol contained therein; in that the carton, bottle, and circular

packed therewith bore the name "Kickapoo Cough Cure," which name was false and misleading because it tended to deceive the purchaser of said drug into the belief that said preparation was a cure for coughs, whereas, in truth and in fact, it was not of such value as a medicinal agent that it would cure coughs; in that the circular accompanying said drug bore the statement "This preparation contains the medicinal virtues of herbs in a concentrated form combined with some of the best demulcents and expectorants in use, forming in all a pleasant and agreeable syrup, possessing properties recognized by the medical profession as necessary to the proper treatment of diseases of the lungs," which statement was false and misleading in that it tended to deceive the purchaser into the belief that said preparation possessed properties recognized by the medical profession as necessary to the proper treatment of diseases of the lungs, whereas, in truth and in fact, said preparation does not and did not possess such properties.

On January 27, 1911, the defendant entered a plea of nolo contendere to the above information, whereupon the court imposed a fine of \$25 and costs.

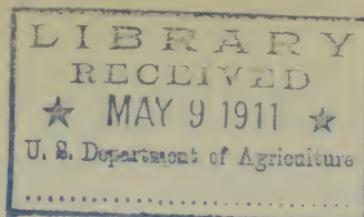
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 30, 1911.*





F. & D. No. 1860
S. No. 653.

Issued May 5, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 827, FOOD AND DRUGS ACT.

ADULTÉRATION AND MISBRANDING OF TOMATO CATSUP.

On or about June 30, 1910, the Pacific Vinegar and Pickle Works shipped from the State of California into the State of Washington 62 barrels of a food product labeled: "Contains $\frac{1}{10}$ of 1% of benzoate of soda. Artificially colored. Artificial filler. S. & P. S. P. Company, Seattle," said product being invoiced and sold as tomato catsup. Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to contain yeasts and spores at the rate of 37 per one-sixtieth cmim., bacteria about 120,000,000 per cc., with molds present in two-thirds of the microscopic fields examined, and thus to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Washington.

In due course a libel was filed in the District Court of the United States for said district against said 62 barrels of catsup charging the above shipment and alleging that the product so shipped was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal or vegetable substance, and alleging that the said product was misbranded in that the general appearance of said label and design gave the impression and was designed to give the impression that said product was pure and of pure vegetable substance, when in truth and in fact said product was not pure and did not consist wholly of the substances specified in said label, and praying seizure, condemnation, and forfeiture of the product.

The case came on for hearing on December 19, 1910, and the Seattle and Puget Sound Packing Company appeared as claimant by its attor-

neys, and the court having heard arguments of counsel and being in all things fully advised issued its decree finding the product to be adulterated and misbranded within the meaning of the act of June 30, 1906, as alleged in said libel and ordering the destruction of the product by the marshal of said district.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

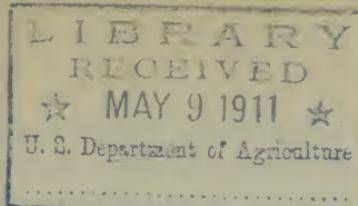
W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 31, 1911.*

827





F. & D. No. 1914, 1924.
I. S. No. 17282-b, 13123-b.

Issued May 5, 1911.

United States Department of Agriculture,
OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 828, FOOD AND DRUGS ACT.

MISBRANDING OF "SPARKLING BURGUNDY" AND "CHAMPAGNE."

On or about May 2 and May 19, 1910, respectively, Benjamin Ripin, doing business as Ripin & Co., New York City, shipped from the State of New York into the State of Indiana consignments of two food products contained in bottles, the bottles in the former of said consignments bearing the following neck label: "Sparkling Vin Rouge R. Sec. Burgundy," and the following principal label "R. Vin Rouge Sec. Sparkling Burgundy Type, Ripin & Company, New York," the bottles contained in the latter of said consignments bearing the following neck label: "Cuvee Reservee White Label R. & Co." and the following principal label "R. & Co. White Label Extra Dry Champagne, Ripin & Co., New York," with which latter bottles was packed a certificate reading "Ripin's White Label is a pure Champagne of superior quality. It is refreshing and highly exhilarating and is invaluable in cases of convalescence from exhaustive diseases, for a weak stomach and all forms of indigestion." Examination of samples of said products made in the Bureau of Chemistry, United States Department of Agriculture, showed the former to consist of a very highly charged red wine and the latter to be a highly artificially carbonated wine, neither of said products being of foreign origin or bottle fermented. As the findings of the analyst and report thereon indicated that the products were misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Benjamin Ripin and the party from whom the samples were procured opportunities for hearing. As it appeared after hearings held that said shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said Benjamin Ripin charging the above shipments as two counts, alleging that the product first above mentioned was misbranded in that it was labeled as above set forth and that said label was false and misleading so as to deceive and mislead the purchasers into the belief that the product was that known as "sparkling Burgundy wine," when in truth and in fact it was an artificially carbonated wine, and alleging that the latter of the above-mentioned products was misbranded in that it was labeled as above set forth, and that said label was false and misleading so as to deceive and mislead the purchasers thereof into the belief that the product was that known as "champagne," whereas in truth and in fact it was a highly artificial carbonated wine.

On January 26, 1911, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 1, 1911.*



F. & D. No. 1797.
S. No. 633.

Issued May 5, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 829, FOOD AND DRUGS ACT.

ADULTERATION OF TEA.

On or about July 25, 1910, there were transported from the State of Mississippi into the State of Tennessee two barrels each enclosing approximately 100 pounds of tea enclosed in small bags, said bags being labeled: "Standard Tokay Pure Blended Tea, New Orleans Import Co., New Orleans." Examinations of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be filthy, extremely musty, and moldy, and therefore to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Middle District of Tennessee.

On August 30, 1910, a libel was filed in the District Court of the United States for said district against the said two barrels of tea charging the above shipment and alleging that the product so shipped was adulterated in that it was filthy, musty, moldy, and putrid, and praying seizure, condemnation, and forfeiture of the product.

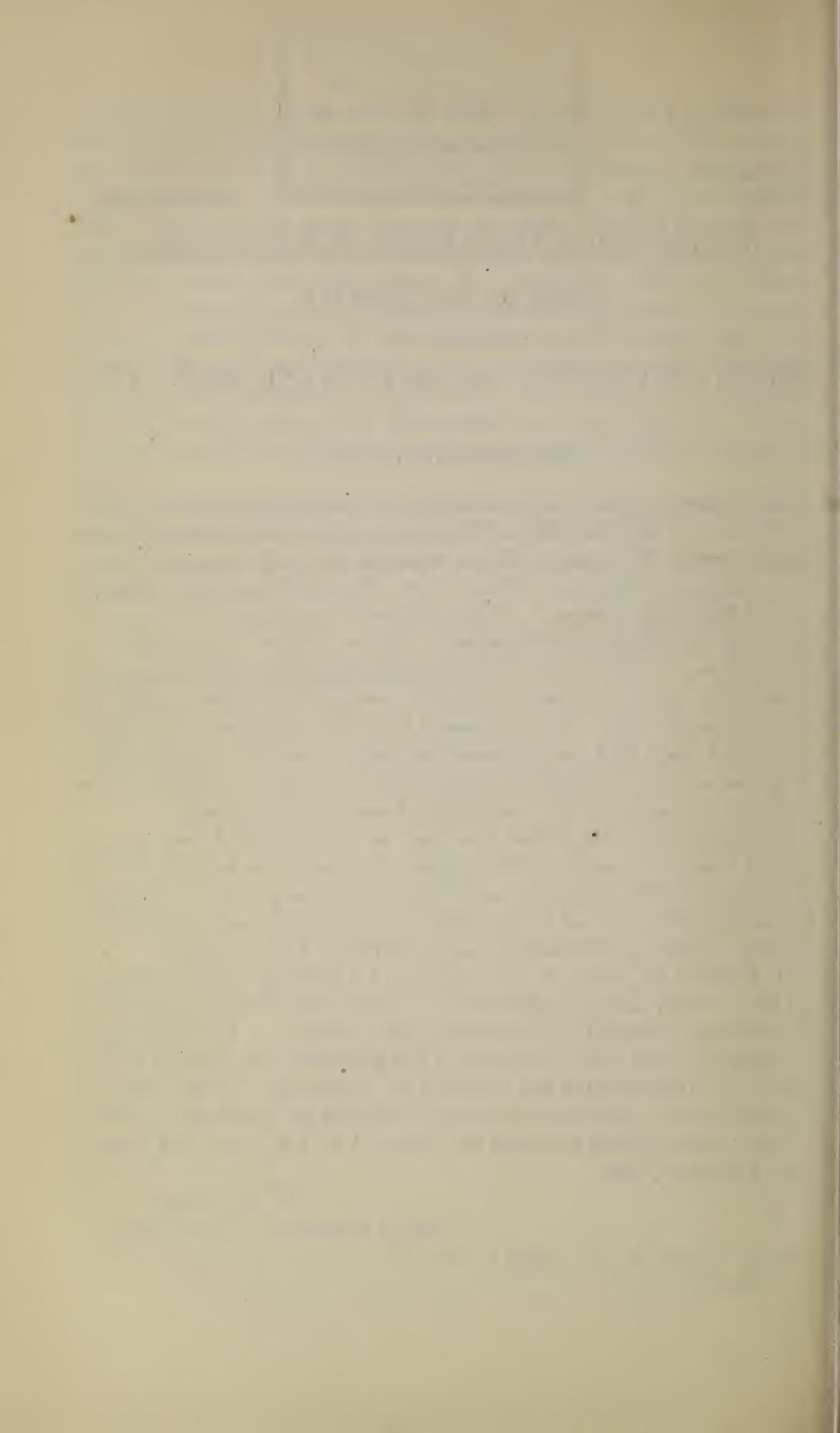
On October 24, 1910, the case came on for hearing, and no claimant for the product having appeared, the court, being fully informed in the premises, issued its decree finding said product to be adulterated as charged in said libel, condemning and forfeiting the product to the use of the United States and ordering its destruction by the marshal of said district, which order was duly executed on November 5, 1910.

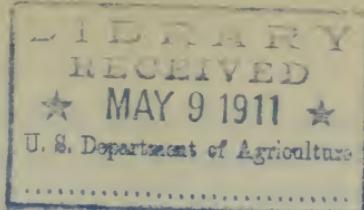
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., April 1, 1911.

88659°—No. 829—11





F. & D. No. 1831.
S. No. 648.

Issued May 5, 1911.

United States Department of Agriculture,
OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 830, FOOD AND DRUGS ACT.

MISBRANDING OF MINERAL WATER—"CALIFORNIA WATERS OF LIFE."

On or about June 29, 1910, N. C. and E. J. Foster, La Pressa, Cal., shipped from the State of California into the State of Tennessee 325 cases, containing one dozen bottles each, and 25 cases, containing one-half dozen bottles each, of a water labeled: "Foster and Foster, Props. Fairchild, Wis. Original California waters of life, formerly known as Isham's Sweet Water Springs, San Miguel Mts., San Diego, Calif. The most salubrious spot on earth. Just as it flows from nature's laboratory. Famous for its miraculous power to destroy diseases and actually rejuvenates humanity by dissolving and evacuating calcareous old age matter and microbes. The worst form of kidney, stomach, blood and skin diseases yield to its marvelous power. Cures rheumatism, Bright's disease, diabetes, dropsy, gallstones, acute dyspepsia, insomnia, and gives new life. Makes the blood pure and postpones old age. No other water performs such wonderful cures. Requires less than one-half the amount of other medicinal waters to derive the desired results. Some physicians have specially requested that the precipitation, if any occurs, be saved for their own use as it is pronounced by chemists to be iron and silica and in no manner is the value of the water lessened or deteriorated." Analysis of samples of this product was made by the Bureau of Chemistry, United States Department of Agriculture, and it was found to contain no ingredients possessing therapeutic properties superior to those found in the average spring water or in any sense justifying the above claims of the shipper as to its curative qualities. As it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and there-

fore liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Tennessee.

In due course a libel was filed in the District Court for said district, charging the above shipment and alleging that the product so shipped was misbranded in that it was labeled as above set forth and that the statements contained in said label were false, exaggerated, and untrue, and especially those statements which claimed for said water the properties to cure incurable diseases, and praying seizure, condemnation, and forfeiture of the product.

Thereupon the above-mentioned Foster & Foster appeared as claimants, by their attorneys, admitted that the product was subject to seizure and confiscation by the United States on the grounds and for the cause set forth in the above libel and agreeing that an order should be at once entered, condemning and confiscating said product to the use of the United States, but reserving the right to pay the costs of these proceedings and to reclaim possession of the said cases of water upon the execution and delivery of a good and sufficient bond, conditioned that the said cases should not be sold or otherwise disposed of contrary to law.

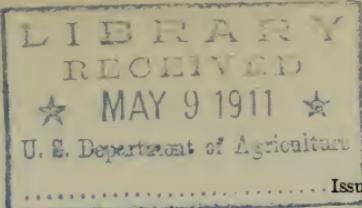
The cause coming on for hearing, the court being fully informed in the premises issued its decree, finding the product to be misbranded as alleged in said libel and condemning and forfeiting the same to the use of the United States, with the proviso, however, that the product should be released to the above-mentioned claimants upon the payment of the costs of these proceedings and the execution of the above-mentioned bond. Said costs having been paid and bond furnished in accordance with the terms of this decree, the product was forthwith released to said claimants.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. L. MOORE,

Acting Secretary of Agriculture.

WASHINGTON, D. C., April 3, 1911.



Issued May 5, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 831, FOOD AND DRUGS ACT.

ADULTERATION OF ICE CREAM CONES—"CORNETS."

On or about July 1, 1910, the Star Wafer Company, Birmingham, Ala., shipped from the State of Alabama into the State of Tennessee, 28 boxes of a food product labeled: "Ice cream cornets Star Wafer Co., Birmingham, Ala. These goods are packed 100 in box and will keep indefinitely without spoiling." Analysis of samples of this product, made by the Bureau of Chemistry, United States Department of Agriculture, showed it to contain boric acid and therefore to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Middle District of Tennessee.

On July 26, 1910, a libel was filed in the District Court of the United States for the said district against the said 28 boxes of ice cream cornets, charging the above shipment and alleging the product so shipped to be adulterated in that it contained boric acid, an added deleterious ingredient injurious to health, and praying seizure, condemnation, and forfeiture of the product.

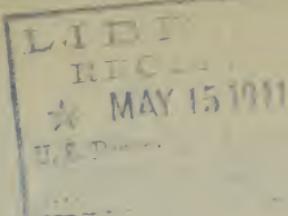
On October 24, 1910, the cause came on for hearing and no claimant to the product having entered an appearance, the court, being fully informed in the premises, issued its decree finding the product to be adulterated as charged in the above libel, condemning and forfeiting the same to the use of the United States, and ordering its destruction by the marshal of said district, which order was executed on November 5, 1910.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., April 3, 1911.

888890—No. 831-11



F. & D. No. 1425.
I. S. No. 12697-b

Issued May 11, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 832, FOOD AND DRUGS ACT.

MISBRANDING OF OLIVE OIL.

On or about November 25, 1909, the Italian Importing Company, a corporation, New York City, shipped from the State of New York into the State of Oregon a quantity of a food product labeled: "Olio soprattutto Savoia Brand Salad Oil;" very small type at bottom of label "a compound winter pressed cotton salad oil flavored with pure Italian Olive oil, packed in U. S. complying with Pure Food Law." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to consist largely of cottonseed oil. As it appeared from the above analysis and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Italian Importing Company, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said Italian Importing Company, Incorporated, charging the above shipment and alleging that the product so shipped was misbranded in that the label aforesaid on the said container, regarding the ingredients or substances contained therein, was false and misleading, and was labeled as aforesaid so as to deceive and mislead the purchaser thereof, in that said label indicated that the contents of said container was superfine Italian olive oil, whereas, in truth and in fact, the contents of the same was not superfine Italian olive oil

but consisted almost entirely of cottonseed oil. Upon arraignment the defendant entered a plea of not guilty to the above information, and the case coming on for hearing, the issue was tried to a jury, and the evidence and arguments of counsel on the part of both parties having been heard, the court instructed the jury as follows:

The COURT (HAZEL, J.): Gentlemen of the Jury, this is another case of so-called misbranding of things sent from New York State into another State. It is conceded by the defendant that the article in question is cottonseed oil; that it contains five per cent of olive oil and 95 per cent of cottonseed oil, and the Government claims that the branding of the article, or branding on the container, the words "Olio Sopraffino Savoia Brand Salad Oil", deceives the public and leads the ordinary purchaser to believe that he was getting olive oil of a foreign production when in fact he was getting a spurious article.

Now, the witness Eginton, who gave testimony for the Government, substantially testified, if I recall his testimony that salad oil is commonly known in the trade as olive oil, and other witnesses for the Government have testified that by the mere words "Olio Sopraffino Savoia Brand Salad Oil", Italians or persons of Italian birth, believe that olive oil is meant by such designation. Now, the term olive oil has a dictionary definition, and Judge Lacombe not long since had occasion to examine into a similar question that was presented to him, and upon looking at the dictionaries as to its definitions, found that the Century Dictionary, Worcester's Dictionary and the Encyclopedia all defined salad oil as olive oil. Webster does not give any definition. So that the dictionary definition apparently defines salad oil as synonymous with olive oil. Now while that is conceded to be true by the defendant, it claims nevertheless that this term "salad oil" in connection with cottonseed oil has received a wide and distinctive designation; that the dictionary definition is not universal in that the public generally, the buying public generally, understand by the term superimposed or branded upon this can the real meaning, namely, a production of cottonseed oil and not of genuine olive oil; that in fact the term in trade and commerce has come to mean other oils than salad oil. If you believe this to be the fact, that consumers, the public generally, or persons generally who use this commodity would not be misled by this inscription on the container and that the defendant's commodity is not misbranded by the use of the words "Olio Sopraffino Savoia Brand Salad Oil", and unless you believe the other words and that the style of the can misleads the user, your verdict should be one of acquittal. On the other hand, if you believe from the testimony of the Government and the manner in which this article is put upon the market that people who use this commodity or the public generally are led to believe by reason of the phraseology to which I have already referred and the configuration of the can, that they were actually buying olive oil whereas in truth and in fact they were only receiving cotton oil or a spurious oil, then your verdict should be in favor of the Government. If, therefore, the term "salad oil" in connection with the other words on the can requires a distinctive trade designation, the defendant is not guilty of misbranding. Upon that subject the defendant has called a number of witnesses, one of them at least a dealer in cotton oil, and he testifies that cotton oil is very largely used in this country, and that it is used as a substitute for olive oil. Perhaps this is some evidence that should be taken into consideration, and yet it would seem to have no particular bearing on the question as to whether the public generally, the people who use this commodity, are misled or not. As to whether

the public generally is misled by the article must be taken by you from the evidence as to how the user and consumer of the article views the can and inscription, and upon that subject there is some contradictory testimony, and it is for you to determine it.

This is a criminal case. The Government is required to substantiate the charge contained in the information beyond a reasonable doubt, and likewise the defendant is presumed to be innocent until the contrary is established. Of course, you will bear in mind that Congress in enacting the Pure Food and Drugs Act had in mind the protection of the public, and in mind the punishment of persons who misbrand their merchantable or vendable articles.

As I have already indicated, it is not claimed that cotton oil is deleterious or harmful to the health of the user, but persons who go into the market to buy olive oil should not have foisted upon them cotton oil. So that these are matters you should have in mind. I don't think I need say anything further. I think you are thoroughly familiar with all the facts, and that you will take the matter and return a verdict as your judgment dictates. Perhaps you should bear in mind that the can contains other words than those I have specifically mentioned. On the lower corner is found the word "Compound" in parenthesis and the "Winter Pressed Cotton Salad Oil Flavored With Pure Italian Oil." Then with relation to this inscription, added to the one I have already spoken of, the Government claims it is not sufficient and is misleading, and is not a sufficient warning to the purchaser as to the character of the commodity that he is buying.

The jury rendered its verdict in due form finding the defendant guilty as charged in the above information. Whereupon the court entered its judgment in accordance with said verdict and imposed a fine of \$50.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., April 5, 1911.

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 833, FOOD AND DRUGS ACT.

ADULTERATION OF PRUNES.

On or about August 4, 1910, there were offered for sale in the District of Columbia 19 boxes of prunes labeled as follows: "Oregon Pride Brand Prunes Fancy Oregon Prunes. Packed by Northwest Fruit Association—Albany, Ore." Samples of this product were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and 75 per cent or more were found to be infested with worms crawling in the crevices, the remainder containing both excreta and sugar mites. As it appeared from the above examination and report thereon that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Columbia.

In due course a libel was filed in the Supreme Court of the District of Columbia against the said 19 boxes of prunes charging the above offering for sale and alleging the product to be adulterated in that it was in a filthy and decomposed condition and infested with worms and other animal matter, for which reason the same was absolutely unfit for human consumption; and praying seizure, condemnation, and forfeiture of the product. Whereupon Albert Dowling, of Washington, D. C., filed a claim as the owner of the said 19 boxes of prunes, admitting said product to be adulterated and consenting that judgment of condemnation against the said goods may be rendered, and offering to pay the costs of said libel proceedings.

The case coming on for hearing, the court entered its decree finding the said 19 boxes of prunes to be adulterated as alleged, ordering the destruction of said product by the marshal, and that the said Albert Dowling pay the costs of the clerk and marshal taxed in the above entitled cause, but no docket fee to the libelant's proctor.

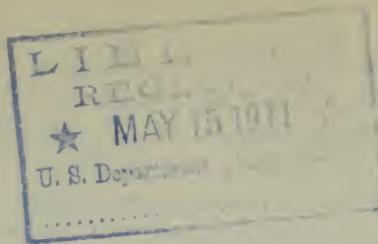
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. L. MOORE,

Acting Secretary of Agriculture.

WASHINGTON, D. C., April 5, 1911.





F. & D. Nos. 1062, 1063, 1230.
I. S. Nos. 24230-a, 24232-a, 24235-a.

Issued May 11, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 834, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF ALLEGED TEMPERANCE DRINKS — LAEVISON'S "TEMPERINE," "DOCTOR FIZZ," AND "CREAM ALE."

On or about April 24, 1909, H. Friedman, doing business as A. M. Laevison & Co., shipped from the State of Kentucky into the State of Tennessee a quantity of three alleged temperance drinks, labeled, respectively: "Drink Laevison's Temperine Special Brew The great Temperance Drink Guaranteed under the Pure Food and Drugs Act non-intoxicating A. M. Laevison & Co., Paducah, Ky."; and "The Great Temperance Beer Laevison's Original Doctor Fizz Special Brew Guaranteed by A. M. Laevison & Co., Paducah, Ky., under the Food and Drugs Act, June 30, 1906.;" "The Great Temperance Beer Laevison's Original Cream Ale Special Brew Guaranteed by A. M. Laevison & Co., Paducah, Ky., under the Food and Drugs Act, June 30, 1906." Analyses of samples of these products, made in the Bureau of Chemistry, United States Department of Agriculture, showed them each to contain approximately 4 per cent of alcohol, which is the same amount found in the average beer of commerce. As the findings of the analyst and report made indicated that the products were misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said H. Friedman and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Western District of Kentucky

against the said H. Friedman, charging the above shipment and alleging the said products to be misbranded, in that the labels above set forth represented them to be nonintoxicating temperance drinks, when, in truth and in fact, said products were intoxicating, the first containing 4 per cent of alcohol by volume, the second 4.55 per cent of alcohol by volume, and the third 4 per cent of alcohol by volume, said labels being such as to mislead and deceive the purchaser into the belief that the products contained no alcohol; and alleging the last named of said products to be also adulterated, in that fermented beer had been substituted in part for Cream Ale in said article of food, and that a substance, to wit, a fermented beverage containing 4 per cent of alcohol by volume, had been mixed and packed with said article of food so as to injuriously affect its quality.

The cause coming on for trial, the defendant entered a plea of not guilty to the above information, and the issues were tried to a jury, resulting in a verdict of guilty, whereupon the court entered judgment upon said verdict and imposed a fine of \$50 and costs of prosecution.

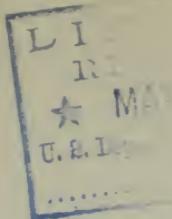
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. L. MOORE,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 6, 1911.*





F. & D. No. 838.
I. S. No. 12435-a

Issued May 11, 1911.

United States Department of Agriculture, OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 835, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF PEPPER.

On or about December 16, 1908, Jacob Frank, Charles Frank, and Emil Frank, a partnership, doing business under the firm name and style of the Frank Tea and Spice Company, Cincinnati, Ohio, shipped from the State of Ohio into the State of Nevada a quantity of a food product labeled "Perfection Mills Compound White Pepper, Composed of ground white pepper and ground cereals, Put up expressly for J. R. Bradley Co., Reno, Nev., Put up in Cincinnati, Ohio, under Serial No. 4932." Samples of this shipment were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and it was found to contain a large amount, approximately 50 per cent, of a corn product. As the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Jacob, Charles, and Emil Frank, and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Southern District of Ohio against the said Jacob, Charles, and Emil Frank, charging the above shipment and alleging that the product so shipped was adulterated in that another substance, to wit, 35 per cent of a corn product, was substituted in part for the article which said packages purported to contain, to wit, white pepper, and in that said 35 per cent corn product was so mixed and packed with said article of food as to reduce and

lower its quality and strength, and alleging the product to be misbranded, in that it was labeled as above set forth, the words "Perfection Mills, Compound White Pepper", being in large and plain letters, while the words "Composed of ground white pepper and ground cereals" were placed in small and inconspicuous type upon said label so as not to be readily noticed by the purchaser, the product being composed of 35 per cent of a corn product and 65 per cent of ground white pepper, said label and branding being, therefore, calculated and intended to deceive and mislead the purchaser, and in that said article contained two food products, to wit, 35 per cent of a corn product and 65 per cent of ground white pepper, when it was marked and branded with the name of only one of said products, to wit, white pepper. Thereupon said defendants appeared by their attorneys and demurred to the above information on the grounds that the facts therein stated did not constitute a violation of the act in question, that the said information and the matters therein contained in manner and form as therein alleged and charged were not sufficient in law to maintain the aforesaid action, and that the said act was unconstitutional and void. The last of these grounds was by leave of court subsequently stricken from said demurrer, which being then argued, was overruled by the court, to which ruling defendants by their counsel duly excepted.

Thereupon the case was submitted to the court on the following agreed statement of facts:

It is hereby stipulated and agreed by and between Jacob Frank, Charles Frank and Emil Frank, the defendants herein, and the United States of America, the plaintiff herein, and their respective counsel, that, for the purposes of the trial of this case, the following allegations contained in the information herein are hereby agreed and admitted to be true:

That they, the said defendants, did, on or about, December 16th, 1908, ship and cause to be shipped and delivered for shipment from Cincinnati, Ohio, in interstate commerce, to J. R. Bradley & Co., at Reno, Nevada, four dozen five-pound cans of an article of food, labeled as follows: in large type "Perfection Mills Compound White Pepper," and in smaller type "Composed of Ground White Pepper and Ground Cereals;" and it is also admitted to be true that said article of food contained about 65% of ground white pepper and about 35% of ground cereals.

The said defendants further admit it to be true that one of said cans of pepper, so contained in said shipment, was purchased from said J. R. Bradley Company, as a sample can, by H. C. Kitchen, an Inspector of the Bureau of Chemistry, United States Department of Agriculture, and that said sample can was, by him, sealed and labeled and designated as I. S. No. 12435-a; that said sample can, so labeled and sealed was, by said H. C. Kitchen, transmitted intact to B. J. Howard, Analyst of the United States Department of Agriculture, who received the same in the identical condition in which it was so shipped and transmitted; that said B. J. Howard, Analyst as aforesaid, forthwith analyzed said sample can of pepper, and thereupon and again sealed, labeled and designated said sample can in the manner aforesaid; that

said sample can intact and sealed, labeled and designated as aforesaid, is now in the possession of Sherman T. McPherson, United States Attorney for the Southern District of Ohio, for use in the trial of this case.

But the said defendants deny and plead not guilty to the charge that said article of food, so shipped and so labeled as above admitted, was misbranded or adulterated in violation of the Food and Drugs Act.

The cause coming on for hearing, the court being fully informed in the premises, found said defendants guilty in manner and form as charged in said information, and imposed a fine of \$50 and costs, to which judgment the defendants, by their counsel, duly excepted. Motion for new trial having been overruled, to which defendants excepted, appeal was taken by said defendants to the Circuit Court of Appeals of the Sixth Circuit, where it is now pending.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. L. MOORE,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 7, 1911.*

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United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 836, FOOD AND DRUGS ACT.

ADULTERATION OF LADLED BUTTER.

On or about July 7, 1909, Frank Crawford, New York, N. Y., shipped from the State of New York into the State of Massachusetts a quantity of a food product labeled "Ladled Butter." Examination of samples of this product, made in the Bureau of Chemistry, United States Department of Agriculture, showed it to contain an excessive amount of water. As the findings of the analyst and report made indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Frank Crawford and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said Frank Crawford, charging the above shipment and alleging that the product so shipped was adulterated, in that it contained an excessive amount of water.

On February 2, 1911, the cause came on for hearing and the defendant entered a plea of guilty to the above information, whereupon the court imposed a fine of \$100.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. L. MOORE,

Acting Secretary of Agriculture.

WASHINGTON, D. C., April 8, 1911.



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 837, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—DR. B. W. HAIR'S ASTHMA CURE.

On or about April 13, 1910, Margaretta R. Cochran and Westanna McClelland, doing business under the name of Dr. B. W. Hair, and Robert H. Cochran, their agent and manager, Hamilton, Ohio, shipped from the State of Ohio into the District of Columbia a quantity of a drug product labeled: "Dr. B. W. Hair's Asthma Cure Guaranteed under the Food and Drugs Act, June 30, 1906. Serial 3085. Of the drugs required to be named by the above Act the only one entering into this preparation is alcohol, of which it contains not to exceed 18 per cent in volume. Prepared by Dr. B. W. Hair, Hamilton, O. Price per bottle \$1.00." Packed with the product was a circular on which the following statement, among others, appeared: "Follow directions . . . If strictly followed a cure may be surely expected." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was shown to contain alcohol by volume 18.48 per cent, nonvolatile material 9.15 per cent, including 5.54 per cent potassium iodide, and glycerine and water. As the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Margaretta R. Cochran, Westanna McClelland, and Robert H. Cochran, and the party from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Southern District of Ohio against the said Margaretta R. Cochran, Westanna McClelland, and Robert H.

Cochran, charging the above shipment and alleging that the product so shipped was misbranded, in that it was labeled as above set forth and was accompanied by the above cited circular, and that said label and circular were false, misleading, and deceptive, in that by the use of the words "Asthma Cure" and "Follow directions . . . If strictly followed a cure may be surely expected," they bore and contained statements and representations regarding such article of drug, and the ingredients and substances contained therein, which were false, misleading, and deceptive, in that they implied, held out, and represented that such article of drug would cure and be effective in bringing about the cure of the disease of asthma, and possessed and contained therapeutic properties capable of effecting a cure for the disease of asthma, when, in truth and in fact, said article did not constitute a cure for the disease of asthma, nor did it possess or contain therapeutic properties such as to make it a cure for said disease or effective in bringing about such cure, nor did any of the ingredients contained in said article constitute such a cure or possess or contain such therapeutic properties.

On January 28, 1911, the cause came on for hearing and the defendants entered a plea of guilty to the above information, whereupon the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. L. MOORE,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 8, 1911.*

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 838, FOOD AND DRUGS ACT.

ADULTERATION OF CATSUP.

On or about September 27, 1910, the Atlas Preserving Company, Baltimore, Md., shipped from the State of Maryland into the State of Louisiana 80 barrels of catsup, labeled: "Dixie Catsup 1/5 of 1% Benzoate of Soda Distributed by Harry Hyman & Co., New Orleans, La." Samples from this shipment were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain 190,000,000 bacteria per cubic centimeter, 53 yeasts and spores per one-sixtieth cubic millimeter, and mold filaments in 75 per cent of the microscopic fields examined. As it appeared from the above examination and report thereon that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Louisiana.

In due course a libel was filed in the District Court of the United States for said district against the said 80 barrels of catsup, charging the above shipment and alleging that the product so shipped was adulterated, in that it consisted in whole or in part of filthy, decomposed, and putrid vegetable substances.

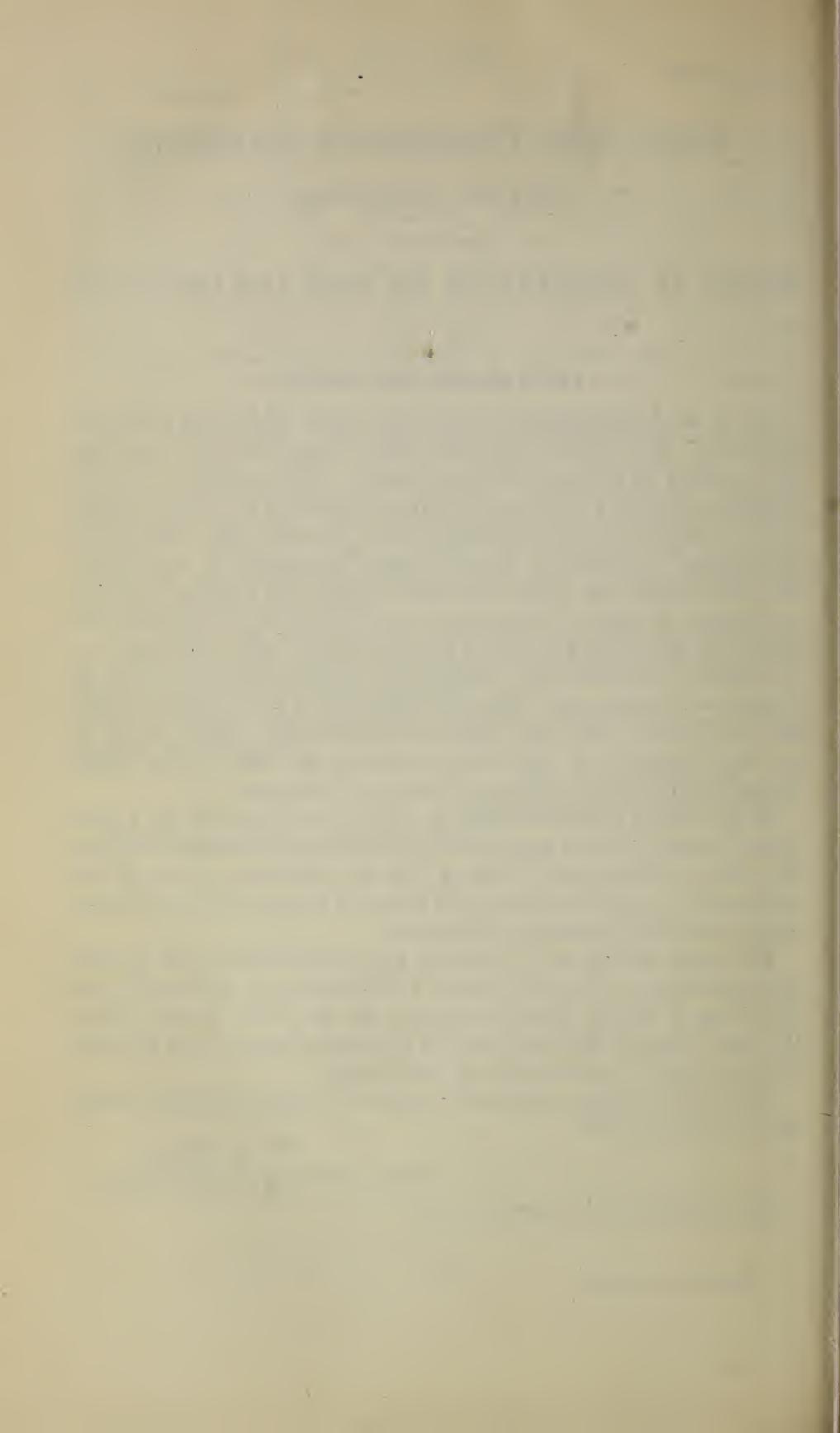
The cause coming on for hearing and no claimant to the product having appeared, the court entered a default decree, condemning and forfeiting 65 barrels of said product to the use of the United States, the same being all that was found at the time of seizure, and ordering its destruction by the marshal of said district.

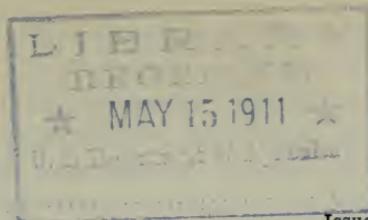
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. L. MOORE,
Acting Secretary of Agriculture.

WASHINGTON, D. C., April 11, 1911.







F. & D. No. 1710.
I. S. No. 5762-b.

Issued May 11, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 839, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF BITTERS.

On or about April 15, 1910, the Imperial Distilling and Cordial Company, a corporation, Chicago, Ill., shipped from the State of Illinois into the State of Minnesota a consignment of a drug product labeled: On bottle (in Italian and translated into English): "Fernet Branca of the Branca Bros. & Co., Milan No. 35 Brolotto St., near the Church of St. Thomas. The goods possess the real and genuine process recognized and approved by various testimonials of teachers in the medical profession. Facilitates digestion, impedes the irritation of the nerves and excites in a marvelous manner the appetite. It is recommended to those suffering from intermittent fever and worms and has an astonishing effect on the bad feelings produced by the spleen, as well as sour stomach and headache caused by bad digestion and old age. Should be taken every hour. A spoonful of the liquid in two of water, good wine, coffee, etc. Increase the quantity when the effect is not promptly produced. To avoid imitations every label bears the firm name of Branca Brothers & Company, with its trade mark, and the dry tin top will be secured upon every bottle with another label carrying the same firm name. Fernet-Branca. Fili Branca-Milan (Italy) L. Gandolfi & C. New York. Sole importers for the United States, Mexico, Canada, Cuba and Porto Rico;" on circular: "A specialty of Fratelli Branca of Milan. For those hypochondriacs who generally suffer from nausea, vomiting, and wind, the use of Fernet-Branca is the real panacea . . . It causes the most obstinate vomit to cease, is an excellent antiseptic, cures disorders of the liver and milt, prevents and overcomes intermittent fevers, those arising from swamps and malaria, as well as gastric fevers . . . Fernet-Branca is especially powerful against

those ailments which precede the development of cholera, and in curing those indispositions which linger in persons who have recovered from the epidemic." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain alcohol by volume 41.4 per cent, residue (nonvolatile) 3.71 grams per 100 cc, ash 0.05 gram per 100 cc, a resinlike body (a bitter principle). As the above analysis and report thereon showed that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Imperial Distilling and Cordial Company, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Northern District of Illinois against the said Imperial Distilling and Cordial Company, Incorporated, charging the above shipment and alleging that the product so shipped was adulterated, in that a substance, to wit, imitation Fernet-Branca Bitters, had been mixed and packed with the said drug so as to reduce, lower, and injuriously affect its quality and strength, in that an imitation of Fernet-Branca Bitters had been substituted wholly or in part for said drug, and in that said drug had been colored with caramel in a manner whereby its inferiority was concealed. The information also alleged that the product was misbranded, in that it was an imitation of another article, to wit, Fernet-Branca Bitters; that it was offered for sale under the distinctive name of another article, to wit, Fernet-Branca Bitters; that the label upon the bottles and the circular accompanying same were imitations of the labels of another article, to wit, genuine Fernet-Branca Bitters, and that the labels upon the bottles containing said drug bore statements, designs, and devices regarding such article, and the ingredients and substances contained therein, which were false and misleading; that the labels upon the bottles containing the product aforesaid bore the statement (in Italian and translated into English): "Fernet-Branca of the Branca Brothers & Company, Milan No. 35 Brolootto St., near the church of St. Thomas," which said statement purported to state that the drug was manufactured in Italy, and was false and misleading, in that the drug was not manufactured in Italy, but was made in the United States of America; that the labels upon the bottles containing the drug aforesaid failed to bear a statement thereon of the quantity or proportion of alcohol

contained therein, and that the labels upon the bottles containing the drug aforesaid were false and misleading, because they purported to state that the product was a foreign product, to wit, Fernet-Branca Bitters, made by the Branca Bros. & Co. in Milan, Italy, when, as a matter of fact, it was imitation bitters made in the United States and offered for sale under the distinctive name of another article, to wit, Fernet-Branca Bitters.

On December 10, 1910, the defendant entered a plea of not guilty, but subsequently, on February 2, 1911, withdrew the plea of not guilty and filed a plea of *nolo contendere*, whereupon the court imposed a fine of \$200 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

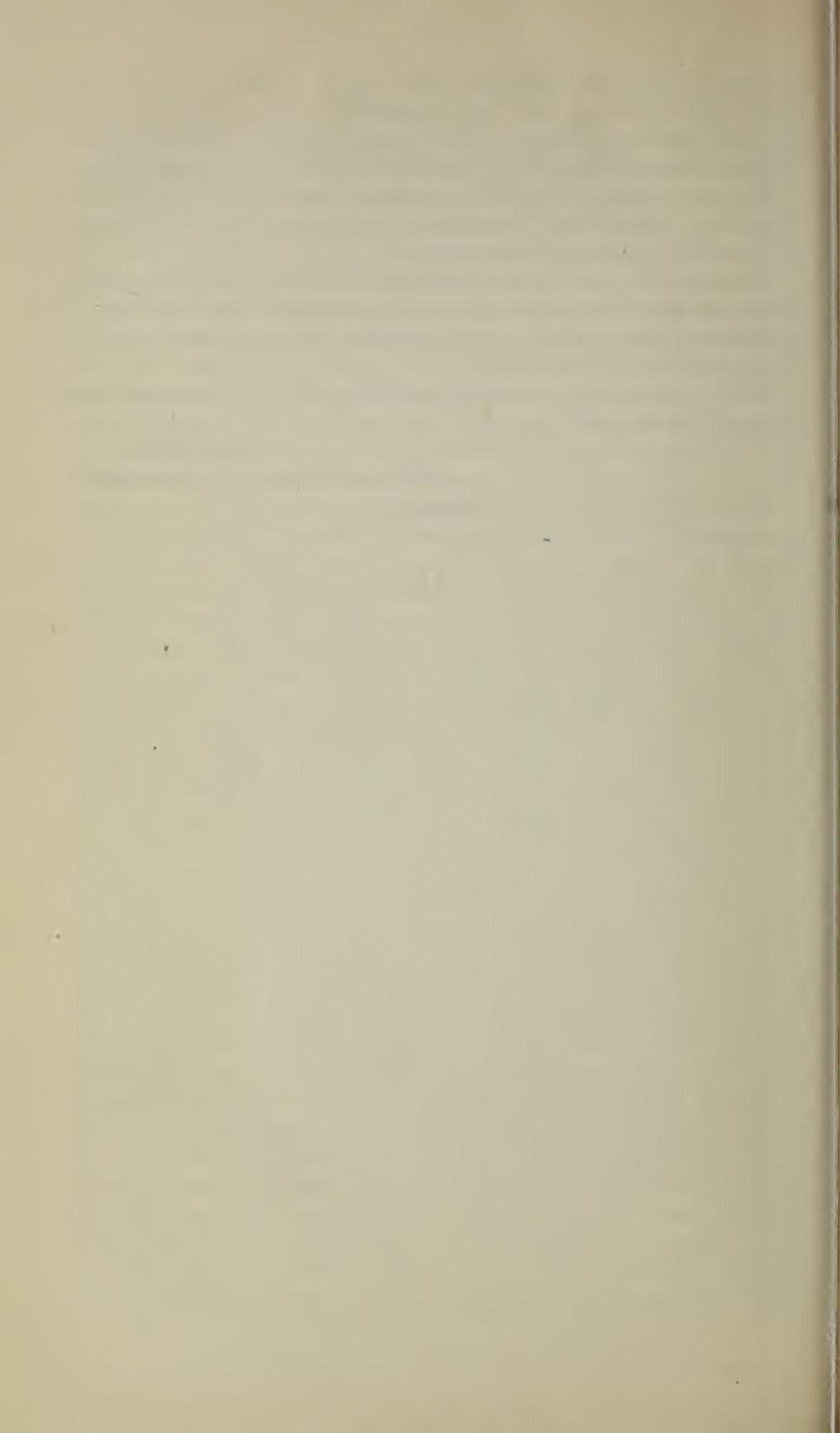
W. M. HAYS,

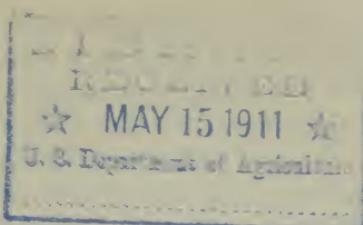
Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 12, 1911.*

839







F. & D. No. 1878.
I. S. No. 17287-b.

Issued May 11, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 840, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"BRUNNER'S GREASELESS PEROXIDE CREAM."

On or about May 21, 1910, John Brunner and Fred T. Barrett, doing business under the name and style of Peroxide Specialty Company, Cincinnati, Ohio, shipped from the State of Ohio into the State of Indiana a consignment of a drug product labeled: (On bottle) "Brunner's Greaseless Peroxide Cream. An ideal bleach for the skin. . . Peroxide Specialty Co., Cincinnati, O.); (on carton) "Brunner's Greaseless Peroxide Cream. An ideal bleach for the skin. . . Peroxide Specialty Co., sole distributors. Brunner's Peroxide Cream produces a rich, white skin and a complexion admirably fair. There is nothing more beneficial to the skin where blemishes or impurities exist than peroxide of hydrogen. Only the purest and best of this product is used in making Brunner's Peroxide Cream. . . Guaranteed by Peroxide Specialty Co., under the Food and Drugs Act, June 30, 1906. Serial No. 8085. Peroxide Specialty Co., Cincinnati, O." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, with the following results: Moisture and volatile matter at 100° C., 73.43 per cent; ash, 3.45 per cent; borax, positive; glycerine, positive; spermaceti, positive; peroxides, negative. As the findings of the analyst and report thereon showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said John Brunner and Fred T. Barrett and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Sec-

retary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Southern District of Ohio against the said John Brunner and Fred T. Barrett, charging the above shipment and alleging that the product so shipped was misbranded, in that it was labeled and branded as aforesaid so as to deceive and mislead the purchaser in that said labels created the impression and belief that said drug contained a substantial amount of peroxide of hydrogen such as to make it the active ingredient therein, whereas, in truth and in fact, said article contained no peroxide of hydrogen; and in that said labels and brands bore statements regarding such drug and the ingredients and substances contained therein, which statements, to wit, "Brunner's Peroxide Cream," "An ideal bleach for the skin," "Produces a rich, white skin and a complexion admirably fair," "Only the purest and best of this product (peroxide of hydrogen) is used in making Brunner's Peroxide Cream," were false and misleading, in that said statements purported and represented said drug to contain a substantial amount of peroxide of hydrogen, and to be capable of producing certain physiological effects, whereas, such were not the facts, and said statements were untrue and false, and, in truth and in fact, said product contained no peroxide of hydrogen and was not capable of producing nor did it contain the ingredients adequate to produce said physiological effects which the aforesaid labels and brands represented it to be able to bring about.

On February 1, 1911, the defendants entered a plea of guilty to the charges contained in the above information, whereupon the court imposed a fine of \$10 and costs amounting to \$24.05.

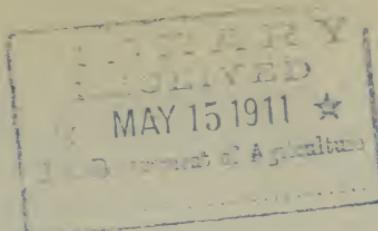
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., April 13, 1911.





F. & D. No. 1975.
I. S. No. 17836-b

Issued May 11, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 841, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF COFFEE.

On or about May 6, 1910, the Thomson & Taylor Spice Company, a corporation, Chicago, Ill., shipped from the State of Illinois into the State of Colorado a consignment of coffee labeled: "One pound Siems Genuine Java and Mocha 40¢ Roasted Coffee Roasted and Packed for H. J. Siems & Sons, corner Clayton and E. 3rd Avenue, Denver, Colorado." Samples from this shipment were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be a blend of about one-half Dutch East Indian, probably Padang, and one-half Bogota, and to contain no Mocha coffee. As it appeared from the above examination and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Thomson & Taylor Spice Company, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Northern District of Illinois against the said Thomson & Taylor Spice Company, Incorporated, charging the above shipment and alleging that the product so shipped was adulterated, in that a certain substance, to wit, Dutch East Indian coffee, known as Padang, and Bogota coffee, had been mixed

and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, and in that a certain article, to wit, Dutch East Indian coffee, known as Padang, and Bogota coffee, had been substituted wholly or in part for the article. The information also alleged that the product was misbranded, in that it was labeled as aforesaid, which said label purported to state that the article was composed of genuine Java and Mocha coffee, but was false and misleading in that the product contained no Mocha coffee, but contained Dutch East Indian coffee, known as Padang, and Bogota coffee; and in that said product was an imitation of another article, to wit, genuine Java and Mocha coffee, and was offered for sale under the distinctive name of another article, to wit, genuine Java and Mocha coffee.

On December 13, 1910, the defendant entered a plea of guilty to the above information, whereupon the court imposed a fine of \$200 and costs.

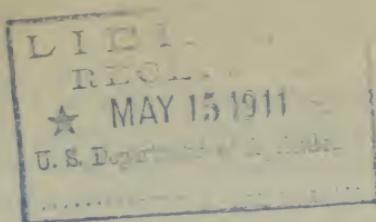
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., April 14, 1911.





F. & D. No. 1433.
I. S. No. 16556-b.

Issued May 11, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 842, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF VANILLA EXTRACT.

On or about January 21, 1910, the Paul Manufacturing Company, a corporation, Boston, Mass., shipped from the State of Massachusetts into the State of Michigan a quantity of a food product labeled: "Concentrated Extract Vanilla; Compound Flavor of Vanilla. Vanillin, Coumarin and Vanilla .11, sugar syrup .16, caramel .01, dilute alcohol .72." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain alcohol by volume 7.37 per cent, vanillin 0.11 per cent, coumarin 0.03 per cent, and to be artificially colored with caramel. As the findings of the analyst and report made indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Paul Manufacturing Company, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the District of Massachusetts against the said Paul Manufacturing Company, Incorporated, charging the above shipment and alleging the product so shipped to be adulterated within the meaning of the act, in that a substance, to wit, an imitation vanilla extract, had been substituted wholly or in part for the article; and alleging the product to be misbranded in that the

label above set forth represented it to be a concentrated extract of vanilla and a compound flavor of vanilla and to contain 11 per cent vanilla, which statements were false and misleading, because said article of food was not a concentrated extract of vanilla or a compound flavor of vanilla, and in that it did not contain 11 per cent vanilla or any vanilla whatever.

On January 30, 1911, the defendant entered a plea of nolo contendere to the above information, whereupon the court imposed a fine of \$25.

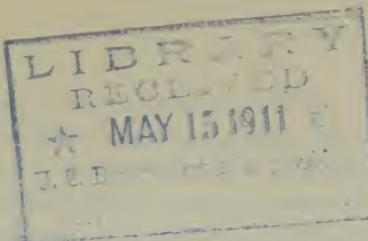
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., April 14, 1911.





F. & D. No. 1930.
I. S. No. 17842-b.

Issued May 11, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 843, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"GERMAN SEIDLITZ SALTS."

On or about May 21, 1910, the American Granule and Tablet Company, a corporation, Cincinnati, Ohio, shipped from the State of Ohio into the State of Colorado a quantity of a drug product labeled: "Guarantee No. 3074. German Seidlitz Salts, (Anhydrous Magnesium Sulphate) $MgSO_4$, $6H_2O$. Promotes longevity, strengthens the nerves, cures headache after over-indulgence. A pleasant aperient, laxative and purgative. Solvent of all albuminous and calcareous matter obstructing the circulation in the liver and kidneys; cleansing the stomach and bowels; purifies and decarbonizes the blood; cures chronic and sick headache. Genuine Seidlitz must not be confounded with Seidlitz powders. Its action is different. The salt is the same as the salts from Seidlitz Springs, Germany. It cures Hemorrhoids, constipation, bad breath, weak stomach, and soothes the mucous lining; removes all obstructions from the stomach and bowels; restores healthy action. The Seidlitz positively prevents appendicitis, varicocele, apoplexy, tendency to paralysis. The modern artificial mode of living demands aiding nature. Old age can be attained by taking small doses daily. The Seidlitz is invigorating. * * * The American Granule and Tablet Co., Manufacturing Pharmaceutical Chemists, Cincinnati, Ohio. * * * Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to consist of sulphur trioxide 41.49, magnesium oxide 21.18, water 37.22. As the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said American Granule and Tablet Com-

pany and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Southern District of Ohio against the said American Granule and Tablet Company, charging the above shipment and alleging the product so shipped to be misbranded in that it was labeled as aforesaid in such manner as to deceive and mislead the purchaser, because said label and the statements upon said label were calculated and intended to and did create the impression and belief in the mind of the purchaser thereof that said article of drug was of German origin and manufacture and was a product derived from the Seidlitz Springs in Bohemia, Germany, when in truth and in fact said article was not of German origin or manufacture, nor was it a product derived from said Seidlitz Springs in Bohemia, Germany, but was of American origin and manufacture and was produced and manufactured in the city of Cincinnati, State of Ohio; and further alleging the product to be misbranded in that the statements "Promotes longevity, Strengthens the nerves, Cures headache after over-indulgence;" "Solvent of all Albuminous and calcareous matter obstructing the circulation in the liver and kidneys;" "Purifies and decarbonizes the blood;" "Cures chronic and sick headache;" "It cures hemorrhoids, constipation, bad breath, weak stomach, and soothes the mucous lining; removes all obstructions from the stomach and bowels;" and "The Seidlitz positively prevents appendicitis, varicocele, apoplexy, tendency to paralysis," are untrue and false in that said statements convey the impression that said article possesses therapeutic properties capable of bringing about said beneficial physiological results when in truth and in fact the said article does not possess such therapeutic properties.

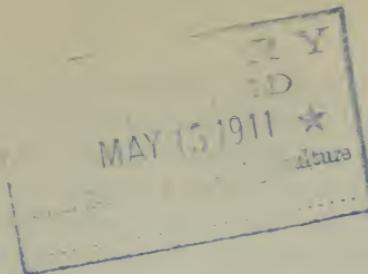
On January 28, 1911, the cause came on for hearing and the defendants entered a plea of guilty to the above information, whereupon the court imposed a fine of \$25 and costs of prosecution.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., April 14, 1911.



F. & D. No. 1911.
I. S. No. 21895-b.

Issued May 11, 1911.

United States Department of Agriculture,
OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 844, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF VINEGAR.

On or about April 13, 1910, S. W. Jennings and Carl C. Jennings, doing business under the name and style of Union Vinegar Company, Cincinnati, Ohio, shipped from the State of Ohio to the State of Kentucky a quantity of alleged vinegar labeled: "Empire Brand—Fermented—Apple Juice—Purity Guaranteed—Cider Vinegar. Made Oct. 9. 50. Union Vinegar Co., Cincinnati, O.—The vinegar contained in this barrel is pure cider vinegar made from Apple Juice. We guarantee it to conform to the Pure Food Laws of all States regulating the sale of vinegar. Union Vinegar Co., Cincinnati, O." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to consist in whole or in part of a dilute solution of acetic acid and a foreign material high in reducing sugars prepared in imitation of cider vinegar and deficient in acid strength. As the findings of the analyst and report made indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said S. W. Jennings and Carl C. Jennings and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Southern District of Ohio against the said S. W. Jennings and Carl C. Jennings charging the above shipment and alleging the product so shipped to be adulterated in that

another substance, to wit, a dilute solution of acetic acid and a foreign material high in reducing sugars, had been substituted wholly or in part for what said article of food by its above label purported to be, to wit, "Pure, Apple-cider Vinegar"; and in that said dilute solution of acetic acid and foreign material high in reducing sugars had been mixed and packed as, for, and with said article of food, so as to reduce and lower and injuriously affect the quality of the same; and alleging the product to be misbranded in that it was labeled as above and was offered for sale and sold under the distinctive name of another article of food, to wit, "Pure, Apple-Cider Vinegar", when in truth and in fact said article of food was not such but was a dilute solution of acetic acid and a foreign material high in reducing sugars, being an imitation of said "Pure, Apple-Cider Vinegar"; in that said article of food was labeled as aforesaid so as to deceive and mislead the purchaser thereof; and in that it did create the impression and belief in the mind of the purchaser that said article was that represented by the above label, when in truth and in fact it was an adulterated product as above set forth, prepared in imitation of "Pure, Apple-Cider Vinegar".

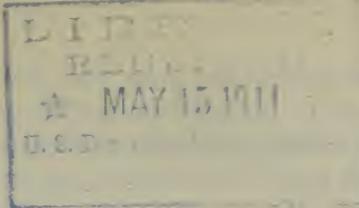
On January 28, 1911, the cause came on for hearing and the defendants entered a plea of guilty to the above information, whereupon the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., April 15, 1911.



F. & D. No. 1695.
I. S. No. 11703-b.

Issued May 11, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 845, FOOD AND DRUGS ACT.

ADULTERATION OF CONDENSED MILK—"COUNTRY CLUB BRAND."

On or about December 1, 1909, the Scio Condensed Milk Company, a corporation, Scio, Oreg., shipped from the State of Oregon into the State of Washington a quantity of a food product labeled: "Country Club Brand Condensed Milk, Scio Condensed Milk Co., Scio, Oregon. The Milk of Quality 'Country Club.' Directions. Pure High Grade Milk, Evaporated and preserved by perfect sterilization. Country Club Brand. Used for every purpose that you would Natural Milk from the Cow. Give the same care and attention you would fresh milk or cream. Every precaution has been taken in the handling of this milk, to produce a food product, absolutely pure. This product complies with the Pure Food law." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain water 72.67 per cent, fat 7.20 per cent, protein 7.46 per cent, lactose 10.46 per cent, ash 1.55 per cent, undetermined 0.66 per cent, the per cent of total solids being 27.33, and the proportion of fat in said solids being 26.3 per cent. As the findings of the analyst and report indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Scio Condensed Milk Company, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the District of Oregon against the said Scio Condensed Milk Company, Incorporated, charging the above shipment and alleging that the product so shipped was adulterated in that

a product made from skim milk had been substituted and packed in said shipment for condensed milk, and in that a valuable constituent of whole milk, to wit, milk fat, had been wholly or in part abstracted therefrom prior to or during the process of manufacturing the said condensed milk.

On January 11, 1911, the defendant entered a plea of guilty to the above information, whereupon the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

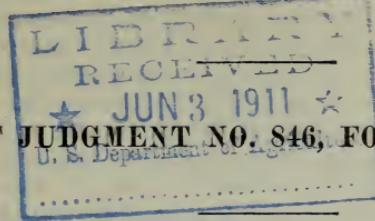
WASHINGTON, D. C., *April 15, 1911.*

845



United States Department of Agriculture,

OFFICE OF THE SECRETARY.



NOTICE OF JUDGMENT NO. 846, FOOD AND DRUGS ACT.

MISBRANDING OF MOLASSES.

On or about February 28 and April 25, 1908, Henry L. Hobart, George B. McGinnis, and Harry C. Christianson, trading under the firm name and style of Henry L. Hobart & Co., New York City, shipped from the State of New York into the State of North Carolina two consignments of alleged molasses, the former of which shipments was labeled: "Heyer Bros. No. 1 Fancy, Wilmington, N. C.," the latter shipment being labeled: "W. I. contains sulphur dioxide. Conforms to Pure Food Law. Armstrong Grocery Co., New Bern, N. C." Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the former of said shipments was found to contain glucose 12.27 per cent, and the latter of said shipments to contain glucose 25.32 per cent. As the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Henry L. Hobart, George B. McGinnis, and Harry C. Christianson, and the party from whom samples were procured opportunities for hearings. As it appeared after hearings held that the shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said Henry L. Hobart, George B. McGinnis, and Harry C. Christianson, containing two counts, one for each of said shipments, charging said shipments and alleging the product so shipped to be misbranded in that it was an imitation of and offered for sale under the distinctive name of another article, to wit, molasses, when in truth and in fact the product so shipped was not molasses, but was a compound of molasses and glucose. On November 15, 1910, the

cause came on for hearing and said defendants entered a plea of not guilty to the above information, whereupon the issues were tried to a jury. The testimony of witnesses and arguments of counsel having been heard, the court instructed the jury as follows:

The COURT (HAZEL, J.): Gentlemen of the Jury: The United States Attorney has filed an information in this court charging the defendants, a partnership doing business in the City of New York, with committing a misdemeanor, in that they are claimed to have violated the so-called pure food and drug act, which was passed by Congress in June, 1906. The case does not lack in importance, for it is the undoubted duty of the Government and of the officials of the Government to carry a law, solemnly enacted by Congress, into effect, and to bring the offenders of the statute before the bar of justice.

The case is not unimportant from the view point of the defendants. Although the penalty for the first offense may not be regarded as large in comparison, yet it is to be borne in mind that the business rectitude of the defendants is challenged by the information and by evidence in support thereof and which is about to be submitted to you for your determination.

The information contains two counts, and it is for you gentlemen to say whether the Government has established both counts, or either of them, beyond a reasonable doubt, and it is entirely within your province to find the defendants guilty as charged; to find them guilty on one count only, or to find them not guilty.

The information does not charge the defendant with adulterating this product. They are not charged with admixing with molasses the ingredient commercial glucose, but they are charged with misbranding the merchandise that was sold and delivered to the individuals named in the counts of the information and with selling and delivering to them molasses which in truth and in fact was not such, but which was a compound of molasses and glucose. I think that you should understand the specific charge contained in the indictment, and therefore I quote from it: The defendants are charged "with consigning to Heyer Bros. a certain article of food which was shipped as aforesaid and was misbranded, in that it was in imitation of and offered for sale under the distinctive name of another article, to wit, molasses, whereas in truth and in fact said food shipped as aforesaid was not molasses, but was a compound of molasses and glucose." This specific allegation is also substantially contained in count 2.

The pure food and drug act was passed by Congress to remedy a pre-existing evil. It had been called to the attention of Congress that foods sold to the public were adulterated and intermixed with deleterious substances and hence a law was passed forbidding such acts; and hence a law was passed even going further, namely, prohibiting the misbranding of merchandise and prohibiting attaching thereto a mark or indication which held it out to be an article different from what it actually was. The pre-existing evil produced by adulterated or misbranded articles of food or drugs, could not be over estimated and hence I again admonish you that the evil that Congress designed to remove, and obliterate and eradicate was an important one and touching the welfare and the comfort of the people.

In this case it is to be established in the first instance that this was an interstate commerce shipment. This court would not have jurisdiction of the offense if it were not an interstate shipment; and the evidence is undisputed in this case that the shipment initiated in the City of New York and that it was delivered in a foreign State, the State of North Carolina; so that you need not take up any time to consider any testimony upon the subject as to whether this

was an interstate shipment or not. At the outset of the trial you will remember it was contended that as to the second count the shipment was not interstate, but that question has been waived by the defendant and therefore you may reach the conclusion that the evidence in the case is sufficient to justify your holding that this was an interstate shipment—that both shipments were interstate.

The second element which the Government is required to prove beyond a reasonable doubt is that glucose was in fact introduced into the molasses before or at the time of the shipment, and that the molasses was misbranded in that it was a compound of molasses and glucose.

And the third element is that the defendants, or one of them, or their agent, acting within the scope of his authority, shipped the molasses, in interstate commerce.

That the molasses contained commercial glucose as distinguished from natural glucose is stoutly denied by the defendants and the defendants contend that if you should find that this molasses contained commercial glucose, and if it was admixed with or added to molasses by an agent of the defendants, that such agent was acting without the scope of his authority.

I think before discussing the evidence given on both sides at great length it will not be inappropriate for me to more particularly call your attention to the act under which this information was filed. The act, defining the word "misbranded" substantially says that the term shall apply to a package or label containing a statement, design or device regarding such article or its ingredients which shall be false or misleading in any particular; and that moreover that an article of food or drug shall be deemed to be misbranded when it contains a false label, print or inscription as to the State, Territory or country in which it is manufactured or produced.

The act then specially provides—and this provision more nearly applies to the facts as claimed by the Government in this case—that food is misbranded if it is in imitation of or offered for sale under the distinctive name of another article; or if it be labeled or branded so as to deceive or mislead the purchaser; and when it is a mixture or compound it must be branded by its distinctive name, and it cannot be legally branded as an imitation of some other article and offered for sale.

The pure food and drug act also provides that when articles of food are labeled and marked "compound" or "blend" the term "blend" shall be understood to mean a mixture of like substances, and uses these words in that connection; "not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only."

Of course manufacturers are not obliged to disclose their trade secrets, in the case of proprietary foods which contain no deleterious or harmful ingredients.

The act contains another provision, that after the judgment of the court notice shall be given by publication in such manner as may be prescribed by the rules and regulations referred to in Section 3 of the act.

These, in substance, gentlemen, are the same provisions of the act of Congress under which this information was filed. The government claims that the information is supported by the evidence. It claims that the first shipment occurred on February 28, 1908, and it was from New York City, and then and there consigned to Heyer Brothers and that the consignment was marked "Heyer Bros., No. 1 Fancy." The word "molasses" was not indicated on the consignment, as I remember the testimony, but it is practically conceded on both sides and certainly as I believe it is conceded by the defendant, that it was understood that this indication "No. 1 Fancy" meant No. 1 fancy molasses.

The witness McIntyre, a government inspector, came to the business place of the consignee sometime thereafter and took from one of the barrels a sample of this molasses which had been delivered by the defendant. He sealed it in a bottle or jar, placing his initials thereupon and forwarded it to the Department of Agriculture where it remained a certain period of time and was then forwarded to the chemist who gave testimony with relation to that count. The chemist, Mr. Seeker, testified that the molasses was contained in a jar or bottle, that it had a seal upon it, to which I have already drawn your attention, and that that seal was intact and the bottle securely closed and the government actually believes, from that testimony, that the sample had not been disturbed by any one; that the commodity that was analyzed was precisely the commodity that was taken from the barrel by the inspector. Mr. Seeker testified that he made a chemical analysis of this molasses, that he made two tests, a polariscope test and an erythro dextrine test, and that there was present in the molasses commercial glucose to the extent of 12.8 per cent. He testified that the fact that the molasses for a period of time was kept in a warm climate or in a warm place, or that it contained organic matter, made no difference with the accuracy of his test.

Count 2 relates to a shipment of five barrels of molasses from New York to Newbern, North Carolina, to Armstrong & Co. The witness Mr. Armstrong testified that he ordered molasses and that it came to him in due course of time and was labeled or had a designation upon the barrels of the letters "W. I." and a butterfly; and it is practically conceded that these initials meant or were understood to mean West India Butterfly Molasses. The witness testified that he ordered molasses and not an admixture of the article glucose.

The Government witness Woodman testified that these bottles came to him from the samples that had been collected by the inspector. He also gave testimony that the boxes of jars were accurately sealed and that as a result of the analysis which he made he found the commodity contained commercial glucose amounting to 25 per cent and the balance was molasses. He further testified that natural glucose is different from commercial glucose; and such was also the testimony of the other expert witness who testified with relation to the first count.

Now this testimony, gentlemen, demands your very careful consideration. No witness has been produced by the Government to show that these defendants admixed into this molasses the ingredient glucose. There is no direct evidence tending to show that this offense was committed by the defendant except such as may be ordinarily presumed from the facts and circumstances; but it seems to me, before the testimony of these expert witnesses is set aside as entitled to no weight, before it is discredited, it should receive your careful consideration and should be most carefully scrutinized. In the acceptance of expert testimony or opinion testimony we are often required to accept the testimony of men who are learned in a particular science, or who are skilled in a particular avocation. A physician is called because of his skill and because of his acumen in matters of medical science and surgery and because few of us are doctors or surgeons. A carpenter is called because he may have some peculiar knowledge with relation to building. And so it is with a chemist; a chemist is called to give opinion testimony with a view of disclosing to us the mysteries of chemistry and with a view of stating to us what his opinion may be with reference to a certain state of facts, or with reference to certain researches that he may have made or certain tests that were made by him or in his presence. The credibility of such testimony, however, is entirely for your consideration. You may set it aside as entitled to no weight. But, gentlemen, if you believe from the testimony as it was given in your presence and from the ap-

pearances of the witnesses upon the stand, that it was impartially given, that the chemists were disinterested, then I charge you that their evidence is of the greatest value and entitled to the greatest consideration. On the other hand if you believe, as is suggested by the defendant that it was biased, narrow and prejudiced, then manifestly it has little value. The testimony in either event is not conclusive upon you. It is simply given for the purpose of enlightening you as to the true situation.

The defendants have given testimony in their own behalf and they deny mixing molasses with glucose. They deny misbranding; and testimony was given by Mr. Hobart and by Mr. Inslee that the shipment in fact was pure and wholesome; that it was pure molasses and was branded as molasses. Furthermore, they testify that the samples in evidence are pure molasses and contain no commercial glucose; that if commercial glucose is contained in the samples it is due to chemical reaction since the shipment was initiated.

You will perceive, gentlemen, that this testimony, which is based on the skill and experience of the defendants, who have been engaged in this business for a number of years, is directly opposed to the testimony of the government; so that you are to determine where the truth lies. Do you believe the testimony of the chemists, who have stated in the one case that 12 per cent of glucose was found in the sample submitted to them, and that in the other case 25 per cent of glucose was contained in the sample submitted to him? If so, the government has proved its case and the defendant is guilty as charged in the information. Of course in reaching such a conclusion you should take into consideration the inferences that are drawn by the defendants, namely, that these samples were not fair samples; and in that connection I also call your attention to the testimony of the chemists that they were abundantly able to reach an accurate analysis or at least practically an accurate analysis. The witness Christianson testified that the molasses was bought from dealers in the West Indies and Cuba and elsewhere; that defendants' Exhibits A and B were tested by him, and in his judgment contained pure molasses. He is not a chemist, but he claims to be able to testify upon the subject from the long practical experience that he has had in this business, and he claims to be able to tell you that these samples did not contain any glucose, from merely tasting the samples.

Evidence is also given that at the time this molasses was received by the defendant it was submitted to a polariscope test and that that test was to ascertain the presence of sucrose, and as I understand the testimony, no direct examination was made to ascertain, with respect to the molasses from foreign countries, as to whether it contained glucose or not.

I do not think I need to discuss the evidence any longer. It is highly technical. You will remember the salient points of it. I have endeavored to direct your attention to it, but you are not to take my opinion or accept my suggestion with reference to any item of fact.

In the courts of the United States the presiding justice may state to the jury what his opinion may be in reference to testimony, in reference to the facts, as to whether a witness in his judgment is reliable or not; yet it seems to be that I ought not to do that in this case. The witnesses on the part of the government as well as the witnesses on the part of the defendants have given testimony in your presence, and I believe that you are as able as I am, perhaps more so, to judge of the qualifications of these various witnesses and what weight should be attached to them.

The next question which it is important to dwell upon is whether in the absence of knowledge or intent to violate a statute these defendants should be convicted as charged. On that subject I charge you that in most offenses of a criminal nature it is essential that it be shown that the accused intended to

commit the offense charged. A person charged with crime ought not to be convicted if it appears that the offense was due to mistake or inadvertence, that there was an absence of intent to violate a statute. But is this such a case? Ordinarily the intent is inferred from the facts and circumstances and follows as a necessary consequence of the act; therefore if these defendants knew—and they are presumed to have known—what law Congress had passed, they are presumed to have known that it was a violation of the statute to misbrand merchandise that was shipped interstate. If knowing that fact it contained commercial glucose; if knowing that fact the commodity was not pure molasses, the commodity which had been ordered, then in my judgment the defendant must be held responsible under this act; for, in cases of this class the statute in effect provides that a dealer may defend on the ground of the absence of knowledge on his part when the article of food has been bought from a manufacturer residing in the United States, and when a guarantee was taken by him from such manufacturer that the article complied with the requirements of the act. I do not think that it is necessary for the government to prove that the defendants, the shippers or dealers had actual knowledge of the contents of the barrels of molasses, or that it was misbranded. The pure food and drug act does not provide that shippers or dealers must intentionally violate its provisions, or that they must know the contents or character of the packages or barrels in which the goods are contained before they may be found guilty of misbranding. The only provision approaching the question of intent or guilty knowledge is the one already mentioned regarding a guarantee from the manufacturer living in the United States to the dealer that the merchandise is of the character specified. Hence the shipper must be presumed to have knowledge of the character of the shipments and that the manufacturer lived in a foreign country is immaterial. It is quite evident, gentlemen, that it would be comparatively easy for a dealer or shipper to escape punishment under the provisions of the act if he could be heard to claim that he had no knowledge of the misbranding. The intent follows from the act. In my judgment the true construction of this law is that the dealer or manufacturer sells the commodity at his peril, and he is bound to understand the ingredients of the product. The defendants in this case were bound to know whether the shipment was pure molasses, as that was understood in the trade, or whether it was a compound of molasses and glucose.

Testimony was given by the witness Hobart that just prior to the time when the act in question went into effect he instructed his superintendent Inslee not to ship goods unless they were properly branded as provided by the pure food law; that compounds should be properly branded; and the superintendent Inslee testified that he received instructions to obey the statute and not misbrand the goods but to ship them for what they actually were; that if compounds consisting of molasses and glucose were to be shipped they should be branded properly. Such were the instructions given by Mr. Hobart, and there is no evidence here denying that they were given. But, gentlemen, there is no evidence here tending to show that any specific instructions were given with reference to the merchandise in question, and I think I will charge you as a general proposition of law that the defendants must be liable if the product was shipped interstate by their superintendent, and if he was authorized to run the factory or plant, and sell and deliver the product in the usual course of business, and if the testimony establishes that the superintendent had charge of the Hoboken plant and of the shipping of orders forwarded to him from New York by the defendants, and if you believe from the evidence that in the shipment of the merchandise specified in counts 1 and 2, he acted within the scope of his authority, and if you believe that in fact the shipment was mis-

branded, that is, if it was an imitation of molasses and known under and by the name of molasses compounds, or a compound of molasses and glucose, then the defendants as principals are liable for the acts of their agents. The act, section 12, specifically provides that the principal shall be liable for the failure of an agent employed by him when acting within the scope of his employment, that his act or failure shall be deemed the act or failure of the employer. As to whether the superintendent and manager Inslee acted in the scope of his employment the government has given testimony tending to show that he was in charge of the factory at Hoboken, that orders were usually sent to him from New York and that he filled them, that he had authority to fill them; he made the shipments and he supervised and managed the plant. If you believe such testimony, and as I recall it is not disputed, you are justified in reaching the conclusion that this instruction which is claimed to have been given to the superintendent does not relieve the defendants from responsibility.

Gentlemen, this is a criminal case and I am obliged under the rules of law to instruct you that you cannot find the accused guilty unless the government has satisfied you upon the various elements required to be proven by it and to which I have already called your attention. The government has the burden of proof and a mere preponderance of evidence is not sufficient; you must be satisfied beyond a reasonable doubt, not only that the shipment was interstate, but that the percentage of glucose, or approximately the percentage of glucose, was found in the samples that have been submitted to the chemists, and that such samples in fact were taken from the merchandise sold by the defendants, and that such samples had not been disturbed or admixed by any other person.

Something has been said with respect to the good character of the accused. In all criminal trials the good character of the accused is presumed, and it has been held to be a proper charge to a jury to say that this character very often will generate a reasonable doubt. The defendants in this case are entitled to the presumption of innocence, until their guilt has been established by the government beyond a reasonable doubt; but by the term "reasonable doubt" is not meant a capricious or fanciful doubt. If you have such a doubt it should be based on testimony; it should be based on the showing of the government, namely, that you disbelieve such showing, that the testimony is insufficient, that it is unreliable, that the chemists ought not to be believed because their tests were improper or not sufficiently accurate. If a reasonable doubt arises in your mind with reference to any such matters which are salient and material in the case you should acquit the defendants. The facts of the case must be consistent with the innocence of the defendant and consistent with their guilt. You should not base your verdict in favor of the government and against the defendants on mere surmise and conjecture. If they are guilty of the offense, as I have already had occasion to say, their guilt should be established upon the record beyond a reasonable doubt.

Take the case.

In due course the jury returned the following verdict: "Guilty on both counts without criminal intent." Thereupon counsel for defendants moved to set aside the above verdict, and for a new trial, and arrest of judgment, urging in support of said motion the following grounds:

- (1) Because the jury has affirmatively found the elements of criminal intent to be lacking.
- (2) For the reason that a suspension of sentence is in order here for each of the following grounds:
 - (a) Because the jury has expressly negatived criminal intent.
 - (b) Because it appears that the Government's last witness himself, at its request, tasted the molasses involved and reported that it did not contain

glucose, to judge by taste, though he said that where as much as 25 per cent of glucose was present you could tell it by taste.

(c) Because express written instructions from the defendants to their employees governed these two specific shipments, and were ignored by the Court in its charge to the jury; the written shipping orders referring to the lot numbers of molasses which were to be used, and excluding the numbers indicating glucose or glucose compounds.

(d) Because the glucose, if any at all, was probably in at the time of the importation, or before the pure food law went into effect; and we could get no guarantee because of the non-residence of the persons from whom we bought the goods in the foreign country, and this particular importation took place before the pure food law went into effect with its specific provisions as to government analysis in the Custom House for importations subsequent to that date.

(e) Because the fact that we went to trial is no reason for increasing the penalty in view of the uncertainties of the law and its bona fides.

The court being fully informed in the premises denied the above motion and imposed a fine of \$100 upon the said three defendants jointly.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., April 24, 1911.



United States Department of Agriculture,

RECD
JUN 5 1911
OFFICE OF THE SECRETARY.
U. S. Department of Agriculture

NOTICE OF JUDGMENT NO. 847, FOOD AND DRUGS ACT.

ADULTERATION OF MILK.

On or about January 18 and 21, 1911, Frank H. Markell, Araby, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of alleged milk. Dr. William C. Woodward, health officer of the District of Columbia, acting by authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed, with the result that the product was found to contain an excessive amount of water. As the findings of the analyst and report made indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Frank H. Markell was afforded an opportunity for hearing. As it appeared after hearing held that the sale was made in violation of the act, the said health officer reported the facts to the United States attorney for the District of Columbia.

In due course a criminal information was filed in the Police Court of the District of Columbia against the said Frank H. Markell, charging the above sales and alleging that the milk in question was adulterated in that it had been mixed and packed with a substance, to wit, water, which reduced and lowered its quality.

On February 1, 1911, the defendant entered a plea of guilty to the above information, whereupon the court imposed a fine of \$30.

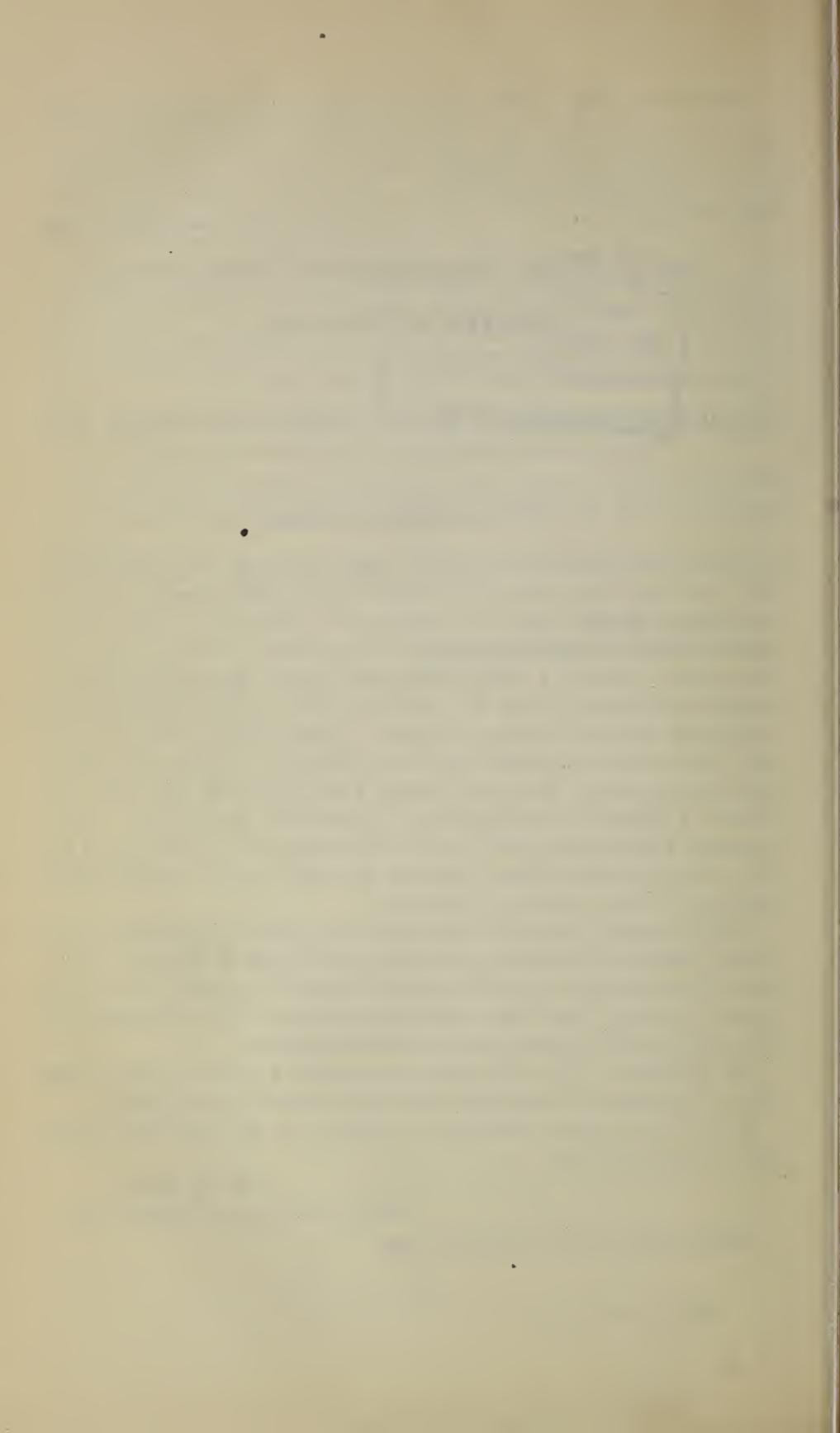
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., April 24, 1911.





F. & D. Nos. 558 and 561.
I. S. Nos. 4045-a and 10160-a.

Issued May 27, 1911.

United States Department of Agriculture,

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U. S. Department of Agriculture
JUN 3 1911

NOTICE OF JUDGMENT NO. 848, FOOD AND DRUGS ACT.

ADULTERATION OF "MACLAREN'S IMPERIAL CHEESE."

On or about October 10 and October 14, 1908, the MacLaren Imperial Cheese Company, Limited, a corporation, Detroit, Mich., shipped two consignments of cheese, the one on the former date from the State of Michigan into the State of Massachusetts, and the one on the latter date from the State of Michigan into the State of Illinois, the product being labeled: "MacLaren's Imperial Cheese. Contains 1/10 of 1 per cent Borate. Mould does not impair contents. Keep in a cool place. Trade mark registered. MacLaren's Imperial Cheese Company, Ltd., Detroit, Mich., Toronto, Canada." Samples from the above shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and were found to contain respectively 0.113 per cent and 0.156 per cent boric acid (H_3BO_3). As the findings of the analyst and report made indicated that the product was adulterated within the meaning of the act, the said MacLaren's Imperial Cheese Company, Limited, and the parties from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the above shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

On May 10, 1909, criminal informations were filed in the District Court of the United States for the Eastern District of Michigan against the said MacLaren's Imperial Cheese Company, Limited, based on each of the above shipments, charging the shipments and alleging the product to be adulterated in that it contained an added poisonous and deleterious ingredient, to wit, one-tenth of 1 per cent

borate, which by its presence in said food product rendered or might render the said article injurious to health.

On February 1, 1911, the defendant company appeared by its president and entered a plea of *nolo contendere* to the above informations, whereupon the court imposed a fine of \$10, being \$5 for each shipment.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., April 25, 1911.

848



United States Department of Agriculture,

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J. S. Department of Agriculture

NOTICE OF JUDGMENT NO. 849, FOOD AND DRUGS ACT.

MISBRANDING OF MACARONI.

On or about July 5, 1910, V. Viviano & Bro., St. Louis, Mo., shipped from the State of Missouri into the State of Ohio 29 cases of macaroni, ten of said cases being labeled: "La Regina. Trade Mark (being a picture of a woman holding a shield with a foreign scene as a background). V. B. artificially colored Attupatelli Lisci. Marca di Fabrica. Registered. (Pictorial representations of medals of award)," ten being labeled the same as the above with the exception that the word "Rigatoni" was substituted for the words "Attupatelli Lisci," the remaining nine being labeled the same as those first above mentioned, with the exception that the word "Trenette" was substituted for the words "Attupatelli Lisci." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be of domestic origin and therefore to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the finding of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Ohio.

On August 2, 1910, a libel was filed in the District Court of the United States for the said district against the said 29 cases of macaroni, charging the above shipment and alleging the product so shipped to be misbranded in that the containers of the product were labeled as above set forth, said labels purporting and representing and conveying to the purchaser the impression that said article of food was a foreign product and of foreign origin and manufacture, to wit, of Italian origin and manufacture, when in truth and in fact such was not the case, said article being a product of American origin and manufacture, produced at St. Louis, Mo., by V. Viviano & Bro.

On January 23, 1911, the cause came on for hearing and no appearance having been filed by any claimant of the product, the court being fully informed in the premises issued its decree finding the product to be misbranded as alleged in the above libel, condemning and forfeiting the same to the use of the United States and ordering that the aforesaid labels be so changed as to clearly show the place of manufacture of said macaroni, and that when relabeled the marshal of the said district should sell the said 29 cases of the product and from the proceeds thereof satisfy any liens against said property, the remainder of the proceeds, if any, to be paid the clerk of the court aforesaid, which order was forthwith executed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *April 25, 1911.*

849



United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 850, FOOD AND DRUGS ACT.

JUN 3 1911

J. S. Department ADULTERATION OF DESICCATED EGGS.

During December, 1910, the Country Club Egg Company, Chicago, Ill., shipped from the State of Illinois into the State of New York 8 barrels of desiccated eggs. Samples from these shipments were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and the sample from a shipment made December 9 showed the presence therein of 810,000,000 organisms per gram, of which 1,000,000 were of the gas-producing type; the sample from a shipment made December 13 showed 770,000,000 organisms per gram, 1,000,000 of which were of the gas-producing type; the sample from a shipment made December 19 showed the presence of 75,000,000 organisms per gram, of which 10,000,000 were of the gas-producing type; the sample from a shipment made December 21 showed the presence of 60,000,000 bacteria per gram, of which 10,000,000 were of the gas-producing type; and the sample from a shipment made December 23 showed the presence of 78,000,000 bacteria per gram, of which 10,000,000 were of the gas-producing type. As it appeared from the findings of the analyst and report made that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and that said shipments were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of New York.

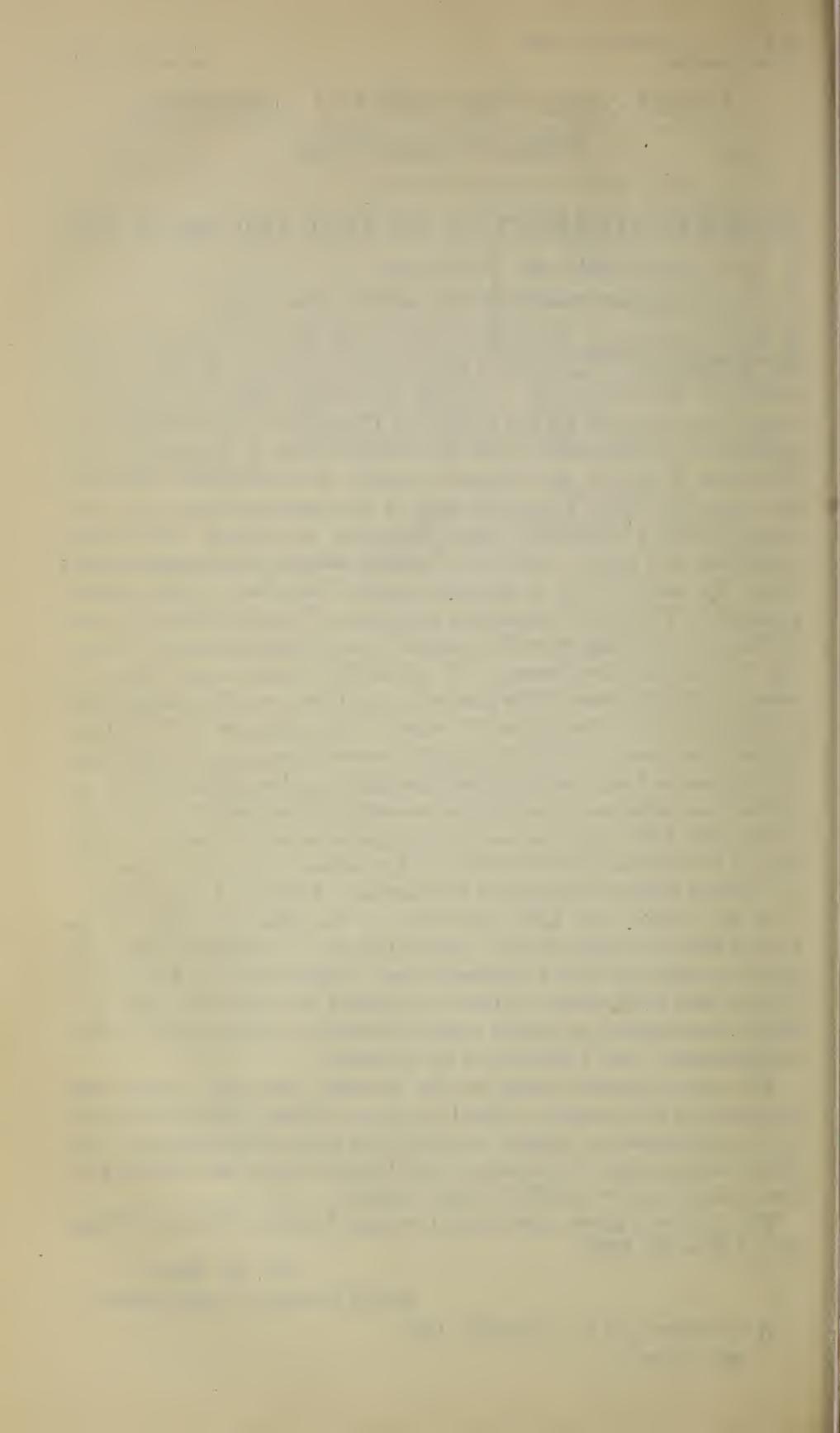
In due course two libels were filed in the District Court of the United States for said district against the said 8 barrels of desiccated eggs, charging the above shipments and alleging that the product so shipped was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, and praying seizure, condemnation, and forfeiture of the product.

The above causes coming on for hearing, the court, being fully informed in the premises, issued its decree finding the said product to be adulterated as alleged in said libels and condemning and forfeiting the product to the use of the United States and ordering its destruction by the marshal of said district.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., April 25, 1911.



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Chicken feed:		Smith-Yingling Co.	40
Chamberlain, W. F., Feed Co. (Inc.)	729	Corn alfalfa horse feed:	
Capital Grain & Mill Co.	404	Guthrie & Co.	322
(<i>See also</i> Hem-e-ta bone grits.)		Corn chop:	
Chicory. (<i>See</i> Coffee and chicory compound.)		McEwen Grain Co.	540
Cider:		Corn flour:	
Gregory, O. L., Vinegar Co.	6	Hoge & McDowell Co.	396
Knadler & Lucas.	615	Standard Cereal Co.	396
Schmidt, A., Jr., & Bros.	6	Corn meal:	
Sehon, Stephenson & Co.	615	Newport Mill Co.	358
Semmes-Kelly Co.	1	Weilder, Sam. W., Co.	170

FOODS—Continued.

	N. J. No.		N. J. No.
Corn sirup. (See Sirup, Corn.)		Eggs—Continued.	
Cottonseed meal:		Eberle, C., & Sons.....	46
Asheville Grocery Co.....	179	Golden & Co.....	22
Hunter Bros. Milling Co.....	173	Rogerson, F., Co.....	7
Tennessee Fibre Co.....	179, 755	Spencer & Howes.....	46
Wells, J. Lindsay, Co. (Inc.).....	109, 756, 757, 758, 794, 798	Eggs, Crystal:	
Country Club condensed milk:		St. Louis Crystals Egg Co.....	657
Scio Condensed Milk Co. (Inc.)	845	Eggs, Desiccated:	
Cream:		Adams Baking Co.....	613
Alnutt, John H.....	445	Cloud, L. V.....	362
Blough, Elijah E.....	185	Columbia Desiccated Egg Co..	227, 305, 359, 665
Bosley, George W.....	331	Country Club Egg Co.....	676, 850
Boyer, Albert A.....	425	Crandall Petee Co.....	682
Dixon, Charles H.....	479	Holmes & Son.....	227
Edgerton Creamery Co.....	513	Monarch Desiccated Egg Co.....	273
Fisher, John.....	586	National Bakers' Egg Co.....	544
Harley, Samuel C.....	185, 241, 308	St. Louis Crystals Egg Co. (Inc.)	747
Howard, Lynden W.....	268	Wood & Selick.....	614
Irvine, John.....	307	Eggs, Evaporated:	
Kelly, Carter.....	446	Armour & Co.....	252
Kephart, George M.....	451	Weaver, C. H., & Co.....	618
Myers, Thomas F.....	336	Eggs, Frozen:	
Parks, Charles M.....	484	Althoff, Charles B.....	782
Swart, Arthur.....	264, 558	Iowa Butter & Eggs Co.....	462
Thomas, Stephen A.....	285	James, Elijah E.....	782
Thompson, William L.....	485	Malter, Max, Co.....	492
Todd, J. B.....	513	National City Dairy Co.....	782
White, Ben.....	430	Rosebrock, F. E., & Co. (Inc.)	825
Cream ale, Laevison's:		Sloan, Henry C., Co.....	494, 736
Friedman, H.....	834	Smithson, R.....	377, 486, 537
Laevison, A. M., & Co.....	834	Volland's, D., Sons.....	782
Cream-x-cel-o:		Eggs, Liquid:	
Acme Extract Chemical Works.....	402	Brown, Morris.....	224
Eckert, Edwin G.....	402	Sloan, Henry, & Co.....	224
Creme wafles. (See Wafles, Creme.)		Eggs, Preserved whole:	
Crystal eggs. (See Eggs, Crystal.)		Hipolite Egg Co.....	508
Curacao:		Thomas & Clarke.....	508
De Claremont, A., Co. (Inc.)	746	Evaporated eggs. (See Eggs, Evaporated.)	
Currant jam. (See Jam, Currant.)		Extract, Almond:	
Currant jelly. (See Jelly, Currant.)		Midland Grocery Co.....	142
Currants:		Extract, Banana:	
Greek Currant Co.....	356	Webb Mfg. Co.....	405
Holzbeierlein, Michael.....	188	Extract, Lemon:	
Sanford, Don A.....	531	Atwood & Steele Co.....	313
Wells, Joseph.....	531	Beggs, Frank L.....	237
Custard:		Burke, Nicholas, Co. (Ltd.)	115
Horpel, Louis.....	166	California Perfume Co.....	500
Desiccated eggs. (See Eggs, Desiccated.)		Campbell, J. S., Co.....	259
Diamond distilled water:		Christian Bros. Co.....	534
Finley, F. H., & Sons.....	175	Closset & Devers.....	536
Doctor Fizz, Laevison's:		Crandall Petee Co.....	684
Friedman, H.....	834	Cumberland Mfg. Co.....	56
Laevison, A. M., & Co.....	834	Dreifus, Samuel.....	689
Dragées, Silver:		Dwight-Edwards Co.....	91
French Silver Dragée Co.....	249,	Earll, Clark W.....	480
	543 (suppl. to 249)	Forbes Bros. Tea & Spice Co.....	339
Oriental Dragée Co.....	176	Frank Tea & Spice Co.....	823
Egg noodles. (See Noodles, Egg.)		Hall-Whitney Mfg. Co.....	644
Eggs:		Hallock-Denton Co.....	277
Armour & Co.....	675	Harrison, W. H., & Co.....	281
Buffalo Cold Storage Co.....	295, 482	Heekin Spice Co.....	71
Cohen, Samuel.....	103	Hetfield Extract and Mfg. Co.....	627
Cornwell, Charles W.....	675	Hilbert, A. J., & Co.....	141
Culver, E., & Co.....	295	Kimball Bros. & Co.....	411
		Knoxville Drug Co.....	585

FOODS—Continued.

	N. J. No.	N. J. No.	
Extract, Lemon—Continued.			
Lowe, J. L.	585	Extract, Vanilla—Continued.	
Mackie, Albert, Grocer Co.	130	Horowitz, Harry	806
Meyer Bros. Drug Co. (Inc.)	738	Interstate Chemical Co.	139
Mobile Drug Co.	152	Ludlow-Robson Co. (Inc.)	548
Newmark Bros.	601	McCormick & Co.	135
Paddock Coffee & Spice Co.	136	Meyer Bros. Drug Co. (Inc.)	738
Rippey, William	444	Monroe Pharmacal Co.	151
Sauer, C. F., Co.	532	Paddock Coffee & Spice Co.	123
Schmidt, K. J.	774	Paul Mfg. Co. (Inc.)	842
Semrad Chemical Co.	661	Puhl Mfg. Co.	320
Spies, Chas., & Co.	150	St. Louis Coffee & Spice Mills	301
Standard Extract Co.	532	Sauer, C. F., Co.	532
Styron, Beggs & Co.	237	Schmidt, K. J.	774
Suffolk Drug & Extract Co.	147	Shepard Baking Powder Co. (Inc.)	730, 740
Symms-Utah Grocery Co.	637	Standard Extract Co.	532
Thomson & Taylor Spice Co.	149	Steinbock & Patrick	14
Tillman & Bendl	416	Williams, R. C., & Co.	692
Townsend, B. H., & Co.	807	Woodworth, C. B., Sons Co.	5
Ullman, Dreifus & Co.	689	Wrisley, Allan B., Co.	662
Western Candy & Bakers Supply Co. (Inc.)	739	(See also Vanoleum.)	
Weston, Edward, Tea & Spice Co.	194	Extract, Wintergreen:	
Wrisley, Allan B., Co.	660, 662	McMurray, William	764
Extract, Lemon (Messina):		Farina. (See Gluten farina.)	
Warner-Jenkinson Co. (Inc.)	733	Feeds:	
Extract, Lemon, compound:		Biles, J. W., Co.	102
Althur, Victor	768	Bridgeport Mills	464
Ketchum & Co.	768	Capital Grain & Mill Co.	66
Extract, Lemon peel:		Huff, Jesse B.	464
Gumpert, Sallie	806	Kelly, L. H.	464
Horowitz, Harry	806	Mountain City Mill Co.	786
Extract, Maple:		Read Bros.	463
Crescent Mfg. Co.	163	Wells, J. Lindsay Co.	230
Gumpert, Sally	806	(See also Bran; Cerecut; Chicken feed; Meal; Oats.)	
Horowitz, Harry	806	Feeds, Badger dairy:	
Extract, Orange:		Krause, Charles A., Milling Co.	172
Semrad Chemical Co.	661	Feeds, Banner:	
Webb Mfg. Co.	408	Dewald, N.	171
Western Candy & Bakers Supply Co. (Inc.)	739	Quaker Oats Co.	171
Extract, Peach:		Feeds, Boss chop:	
Webster, E. R., & Co.	520	Great Western Cereal Co.	468
Extract, Peppermint:		Feeds, Corn alfalfa horse:	
Cook & Bernheimer (Inc.)	775	Guthrie & Co.	322
Extract, Pineapple:		Feeds, Corn chop:	
Mobile Drug Co.	152	McEwen Grain Co.	540
Extract, Raspberry:		Feeds, Globe flour middlings:	
Dwight-Edwards Co.	91	Daily, E. P.	119
Extract, Rose:		Globe Elevator Co.	314
Western Candy & Bakers Supply Co. (Inc.)	739	Feeds, Gluten:	
Extract, Strawberry:		Clinton Sugar Refining Co.	391
Dwight-Edwards Co.	91	Feeds, International gluten:	
Forbes Bros. Tea & Spice Co.	339	Globe Elevator Co.	315
Howell, H. B., & Co. (Ltd.)	143	Feeds, International sugared:	
King Bros., Shilstone & Saint (Ltd.)	122, 218	International Sugar Feed Co.	533, 691
Newton Tea & Spice Co.	380	Worke, R. H., & Co.	533
Warner-Jenkinson Co.	246	Feeds, Michigan gluten:	
Extract, Vanilla:		Michigan Starch Co.	116, 117
Blanke-Baer Chemical Co.	242	Feeds, Mueller's molasses grain:	
Crown Mfg. Co.	640	Dickerson, Samuel T., Jr.	435
Ennis, Hanly, Blackburn Coffee Co.	148, 478	Hellman, Joseph W.	174
Fitch, John H., Co.	140	Mueller, E. P.	174, 256, 435
Gumpert, Sally	806	Pillsbury, Herbert P.	256
Hall-Whitney Mfg. Co.	663	Feeds, Oneida mixed:	
Heekin Spice Co.	48	Waller, A., & Co.	400
Heinle, Charles L., Specialty Co.	389	Feeds, Royal corn and oat:	
		Beck Cereal Co.	809

FOODS--Continued.

N. J. No.	N. J. No.
Feeds, Stafo-life:	
Lawrence & Hamilton Feed Co. (Ltd.).	104, 477
Feeds, Sucrene dairy:	
American Milling Co.	432
Feeds, Sugarota horse, sheep, and dairy:	
North West Mills Co.	810
Fig jam. (<i>See</i> Jam, Fig.)	
Figs:	
Loose Wiles Biscuit Co	813
Fish:	
Adamson, W. L., Co.	306
Gorton-Pew Fisheries Co.	779
Haff, A. W.	666
Higgins, Charles C., Co.	306
Kingsland & Comstock	664
McIntyre, J. K., Co.	306
Monterey Packing Co.	365
Morano, Antonio	779
Orr, W. J., Fish Co.	306
(<i>See also</i> Codfish; Sardines.)	
Flavor. (<i>See</i> Extract.)	
Flavoring powder, Vanilla:	
Semrad Chemical Co.	659
Flour:	
Alien, H. F.	439
Brewer, W. C., & Co.	113
Carter, Seymour	12
The Gardner Mill	12
Hutton, C. A., Flour Co.	443
Kansas Milling and Export Co.	799
La Grande Milling Co.	439
Orrville Milling Co.	13, 17
Riverton Mills Co.	113
Wasco Warehouse Milling Co.	443
Woodworth, E. S., & Co.	374
(<i>See also</i> Buckwheat; Corn; Gluten; Milk; and Rye flours.)	
Flour, Bleached:	
Aetna Mill & Elevator Co.	382
Alsop Process Co. (<i>writ of mandamus</i>)	498
Lexington Mill & Elevator Co.	722
Shawnee Milling Co. (<i>bill in equity</i>)	497
Updike Milling Co. (<i>bill in equity</i>)	497
Frou Frou biscuits. (<i>See</i> Biscuits, Frou Frou.)	
Frozen eggs. (<i>See</i> Eggs, Frozen.)	
Fruit syrup. (<i>See</i> , Syrup, Fruit.)	
Ginger ale. (<i>See under</i> Drugs and medicinal agents.)	
Globe flour middlings:	
Daily, E. P.	119
Globe Elevator Co.	314
Gluten farina:	
Acme Mills Co.	250
Gluten feed:	
Clinton Sugar Refining Co.	391
Gluten flour:	
Acme Mills Co.	250
The Birkett Mills	3
Grains. (<i>See</i> Feeds.)	
Grape jelly. (<i>See</i> Jelly, Grape.)	
Grape juice:	
Bass Islands Vineyards Co.	450
Great Bear Spring water:	
Great Bear Spring Co.	41
Hen-e-ta bone grits:	
Hen-e-ta Bone Co.	625
Herring:	
Grilly, J. H.	257
Whitfield, J. A., Co.	257
Holland rusk. (<i>See</i> Rusk, Holland.)	
Honey:	
Boeckmann, A.	269
Pahl, E. R., & Co.	352
Rogers Holloway Co.	18, 19, 20, 21
Ice:	
American Ice Co.	299
Kimberly, Samuel A.	299
Ice cream:	
Bischof, Joseph J.	438
Wallis, Hugh	213
Ice cream clams:	
Consolidated Wafer Co. (Inc.)	672
Ice cream cones:	
Consolidated Wafer Co. (Inc.)	672, 724, 725
McPike Drug Co.	814
Star Wafer Co.	668, 814, 831
Valvona Marchiony Co.	669
Ice cream powder, Cream-x-eel-o:	
Acme Extract & Chemical Works	402
Eckert, Edwin G.	402
International gluten:	
Globe Elevator Co.	315
International sugared feeds:	
International Sugar Feed Co.	533, 691
Worke, R. H., & Co.	533
Jam, Apricot:	
Stetson-Barrett Co.	716
Jam, Cherry:	
St. Louis Syrup & Preserving Co.	476
Stetson-Barrett Co.	716
Jam, Compound (Anderson's):	
Boyle, John, & Co.	499
Jam, Currant:	
Home Fruit Co.	641
Sauber, Samuel Y.	641
Jam, Fig:	
Stetson-Barrett Co.	716
Jam, Loganberry:	
Bishop & Co.	602
St. Louis Syrup & Preserving Co.	476, 698
Jam, Strawberry:	
Bishop & Co.	602
St. Louis Syrup & Preserving Co.	476, 698
Jelly, Apple:	
Williams Bros. Co. (Inc.)	238, 552
Jelly, Blackberry:	
Colorado Canning Co.	811
Lindenberger, William J.	811
Turnbull, James	811
Jelly, Currant:	
Colorado Canning Co.	811
Lindenberger, William J.	811
Long Syrup Refining Co.	415
Turnbull, James	811
Jelly, Grape:	
Colorado Canning Co.	811
Lindenberger, William J.	811
Turnbull, James	811

FOODS—Continued.

	N. J. No.	N. J. No.	
Jelly, Plum:		Mapleine:	
Colorado Canning Co.	811	Crescent Mfg. Co.	163
Lindenberger, William J.	811	Meal:	
Turnbull, James	811	Weilder, S. W.	44
Jelly, Raspberry:		(<i>See also</i> Alfalfa, Corn, Cottonseed, Linseed, and Rice meals.)	
Colorado Canning Co.	811	Michigan gluten feed:	
Lindenberger, William J.	811	Michigan Starch Co.	116, 117
Turnbull, James	811	Milk:	
Jelly, Sugar-glucose:		Allen, John	88
Johnson, Edward C.	580	Altemus, Frank E.	88
Johnson, H. A., Co.	580	Altman, George P.	347
Walz, Henry J.	580	Armstrong, Laban B.	335
Ketchup. (<i>See</i> Tomato ketchup.)		Atwood, T. J.	527
Laevison's Cream ale:		Bean, Mike	628
Friedman, H.	834	Berman, Soul	88
Laevison, A. M., & Co.	834	Boberink, Henry A.	219, 607, 673, 674
Laevison's Doctor Fizz:		Bosworth, A. A.	521
Friedman, H.	834	Boyle, M.	132
Laevison, A. M., & Co.	834	Bruce, W. E.	421
Laevison's Temperine:		Carney, Charles W.	437
Friedman, H.	834	Carr, Nettie	267
Laevison, A. M., & Co.	834	Chaffee, O. S.	524
Lemon extract. (<i>See</i> Extract, Lemon.)		Chichester, Washington B.	265
Lemon oil:		Corbin, Thomas	125
Hutchinson, David W	196	Danielson, Jonas	528
Shoemaker & Busch	393	Deterding, C.	11
Weeks, O. J.	505	Ducker, Henry	125
Lemonade powder:		Dunnaway, Owen	125
Columbia Mfg. Co.	279	Earnshaw, J. W.	517
Morrissey, Charles T.	279	Evers, B., & Sons	125
Linseed meal:		Feaster, Edgar W.	328
Brown, Robert B., Oil Co. (Inc.)	728	Fieke, W. M.	125
Liquid eggs. (<i>See</i> Eggs, Liquid.)		Fisher, John	586
Loganberry jam. (<i>See</i> Jam, Loganberry.)		Fitzgerald, William	526
Loganberry preserves. (<i>See</i> Preserves, Logan- berry.)		Geiger, Joseph	125
Londonderry lithia water:		Griebler, Andreas	37
Londonderry Lithia Spring Water Co.	822	Griffith, Howard	88
Longhorn cheese. (<i>See</i> Cheese, Longhorn.)		Groger, Henry	81
Macaroni:		Groger, Theodore	125
Atlantic Macaroni Co.	167, 487	Hall & Lewis	512
Clarksburg Importing Co.	804	Harbin, Charles	88
Lacavara, Carmen	776	Hattenkemer, Philip	88
Manoco, Salvatore	776	Hildebrand, George L.	312, 557
Ricchezza, A.	600	Hogan, W. F.	125
Romeo, F., & Co.	491	Holt, Patrick B.	88
Trinacria Macaroni Works	804	Horine, Edwin M.	503
Ventrone, F. P.	167	Huff, William	423
Verno, L.	776	Jarboe, Grover F.	88
Viviano, V., & Bros.	262, 658, 849	Jennings, W. G.	522
(<i>See also</i> Noodles; Spaghetti.)		Johnson, W. F.	125
Macaroni, Egg:		Jones, Lawrence B.	502
Barber & Perkins	652	Kaiser, Fred E.	632
Cleveland Macaroni Co.	652	Kanode, Robert E.	214
Mac Laren's Imperial cheese:		Kirby, J. C.	125
MacLaren Imperial Cheese Co. (Ltd.)	790, 848	Klein, M. J.	420
Manana Gluten breakfast food:		Knott, Thomas E.	753
Fuller, Dr. Frank	470	Koechlin, Edward J.	680
Health Food Co.	470	Kotzenberg, J. C.	132
Maple flavor:		Lewis, Richard	512
Gumpert, Sally	806	Mace, Frank	88
Horowitz, Harry	806	Mack, Albert	214, 590
Maple syrup. (<i>See</i> Sirup, Maple.)		Markell, Frank H.	847
Maple sugar:		Meiman, John	125
Beeman, J. M., & Son	107	Meyer, Jacob	515

FOODS—Continued.

N. J. No.	N. J. No.
Milk—Continued.	
Mullins, B. M., & Sons.....	125
Nestley Bros.....	587
Nostheide, Henry.....	125
Nulf, William C.....	287
Peoples, Charles, Jr.....	125
Perry, W. H.....	125, 588
Piercey, Mrs. M. S.....	510
Poore, Julia.....	88
Reeves, George R.....	214
Reeves, Willie.....	125
Robinson, Lyman T.....	214
Sanger, William A.....	88
Schackle, Stephen.....	125
Schapiro, Albert.....	88
Schutte, Lewis.....	638
Shumaker, Maggie.....	514
Siddall, Blanche D.....	88
Smith, Hiram H.....	400
Soper, William W.....	228
Stark, Frank.....	419
Strassen, Daniel.....	8, 9
Stup, David.....	214
Terry, Clark O.....	523
Vernon, Charles E.....	88
Volz, Joseph.....	629
Walter, Charles A.....	229
Warner, C. L., Jr.....	525
Whitehead, William W.....	88
Williams, C. E.....	132
Wilson, Charles G.....	787
Willson, George A.....	538, 719, 788
Wisconsin Butter & Cheese Co.....	206
Wise, George A.....	88
Zimmerman, William D.....	370
Milk, Condensed:	
Libby, McNeill & Libby, Ltd. (Inc.).....	223
Scio Condensed Milk Co. (Inc.).....	845
Milk, Powdered:	
Beckman, W. E., & Co.....	273
Ekenberg Milk Products Co.....	273
Milk flour:	
Behrend, F.....	211
Kuhnle, H. J., Co.....	211
Mince-meat:	
Brenneman, W. H.....	765, 766
Rice, Ervin A., Co.....	639
Molasses:	
Berry-Maybrun Co.....	234
Christianson, Harry C.....	846
Coe, C. E.....	270
Duff, P., & Sons.....	667
Duff, Robert P.....	667
Hobart, Henry L.....	846
Kitzmiller, Edward A.....	667
McGinnis, George B.....	846
National Mfg. Co.....	541
Penick & Ford.....	2
Philadelphia Horse & Cattle Molasses Co.....	254
White, Wilson, Drew Co.....	24
Molasses grain. (<i>See</i> Mueller's molasses grain.)	
Mueller's molasses grain:	
Dickerson, Samuel T., Jr.....	435
Hellman, Joseph W.....	174
Mueller, E. P.....	174, 256, 435
Pillsbury, Herbert P.....	256
Neufchatel cheese. (<i>See</i> Cheese, Neufchatel.)	
Noodles, Egg:	
Barber & Perkins.....	652
Cleveland Macaroni Co.....	652, 734
Sinclair, Edward S.....	734
(<i>See also</i> Macaroni; Spaghetti.)	
Noodles, Yando egg:	
Bisi, Ernesto.....	686
U. S. Macaroni Co.....	686
Oats:	
Bartlett Commission Co.....	58
Central National Bank.....	378
Conklin, H. K.....	452
Edgar, J. B., Grain Co. (Inc.).....	759
Gibbons, John T.....	650
Harsh, Alex. C., & Co.....	76, 409
Interstate Warehouse & Elevator Co.....	101
McLemore Grain Co.....	406
Miller, L. F., & Sons.....	334, 582
Pendleton Grain Co. (Inc.)	452, 650, 748, 749, 752
Polk, James K.....	409
Rothschild, D., Grain Co.....	385
St. Louis Hay & Grain Co.....	378
Wade, John, & Sons.....	381
Williams, P. P., Grain Co.....	379
(<i>See also</i> Cereals.)	
Oats, Scotch. (<i>See</i> Scotch oats.)	
Oil. (<i>See</i> Olive oil.)	
Olive oil:	
Bertin & Lepori.....	417
Bertoli, F.....	617
Brina, Guido.....	80, 473 (suppl. to 80)
Calogera, George P.....	386, 710
Cristani, Maria.....	247
Cusimano & Tujague Co.....	574
Drake Bros. Co.....	605
Drivas, George.....	360
Farrington & Whitney (Inc.).....	751
Fiore, A., & Co.....	706, 819
Garrasi, Ettore M.....	489
Getz Bros. & Co.....	441
Gross, Anna.....	340
Gross, Ignatius.....	340
Italian Importing Co. (Inc.).....	832
King Bros., Shilstone & Saint (Ltd.)	133, 217
Lange Bros.....	348
Lekas & Drivas.....	360
Lucca Olive Oil Importing Co.....	453, 634
Maddaloni, Donato.....	535
Marchesini, Gaetano.....	397
Marchesini Bros.....	617, 654
Palma, Concetta.....	634
Philadelphia Importing Product Co.....	489
Standard Trading Co.....	80
Strohmeyer & Arpe Co.....	565
Swift & Co.....	472
Tujague, Leon.....	574
Viviano, S., & Bros.....	783
de Vivo, Pasquale.....	244
Olives:	
Arezzo, Vincenzo, & Co.....	817
Cacciola Bros.....	817
Cusimano & Tujague Co.....	578
Favalora, F. G.....	577
Marrone & Lofaro.....	560
Pastene, P., & Co.....	648
Psaki Bros.....	647, 649, 817, 818

FOODS—Continued.

N. J. No.	N. J. No.
Oneida mixed feed:	
Waller, A., & Co.	400
Orange extract. (<i>See Extract, Orange.</i>)	
Orangeade powder:	
Columbia Manufacturing Co.	279
Morrissey, Charles T.	279
Oysters:	
Decker, D. B.	447
Roberts, Lee J.	789
Rowe, H. C., & Co.	448, 475
Peach Brandy. (<i>See Brandy, Peach.</i>)	
Peach butter:	
Van Lill, S. J., Co.	592
Peach extract. (<i>See Extract, Peach.</i>)	
Peach preserves. (<i>See Preserves, Peach.</i>)	
Peaches:	
Armsby, J. K., Co.	34, 35
California Canneries Co.	92
Cochran Grocery Co.	186
Kern, Henry P.	153
Miller, Clagett Co.	153
Ridenour-Baker Mercantile Co.	34
Whiteman, C. P.	35
Witwer Bros. Co.	92
Peanuts:	
Farr, W. Alfred	368
Vegetarian Meat Co.	253
Pears:	
California Canneries Co.	92
Witwer Bros. Co.	92
Peas:	
Hohenadel, P., Jr., Canning Co.	43, 321
Humphreys, J. F., & Co.	90
Kewaunee Canning Co.	542
Reynolds Preserving Co.	90
Van Camp Packing Co.	70, 165
Wichita Wholesale Grocery Co.	542
Pepper:	
Bennett, Sloan & Co.	297
Calumet Tea & Coffee Co.	288
Dean, Harry W.	158
Frank Tea & Spice Co.	835
Hanley & Kinsella Coffee & Spice Co.	210
Idaho Wholesale Grocery Co.	516
Interstate Chemical Co.	28
Long Bros. Grocery Co.	120
Newton Tea & Spice Co.	655
Parrish Bros.	159
Powell-Sanders Co.	75
Spies, Chas., & Co.	164
Wixon Spice Co.	516
Phosphate, Apple:	
Warner Jenkinson Co. (Inc.)	796
Phosphate, Calcium acid:	
Provident Chemical Co.	300, 656
Pineapple:	
Dudley, U. H., & Co.	456
Hawaiian Development Co.	436
Parrott & Co.	436
Reese, Parvin & Co.	456
Taylor, Paul, Brown Co.	456
Pineapple extract. (<i>See Extract, Pineapple.</i>)	
Pineapples:	
Pearl City Fruit Co. (Ltd.)	695
Plum jelly. (<i>See Jelly, Plum.</i>)	
Peppermint extract. (<i>See Extract, Pepper-mint.</i>)	
Plums:	
California Canneries Co.	92
Witwer Bros. Co.	92
Pluto concentrated mineral water:	
French Lick Springs Hotel Co.	121
Port wine. (<i>See Wine, Port.</i>)	
Powdered eggs. (<i>See Eggs, Powdered.</i>)	
Powdered milk. (<i>See Milk, Powdered.</i>)	
Preserved eggs. (<i>See Eggs, Preserved whole.</i>)	
Preserves:	
Middleby, Joseph, Jr. (Inc.)	567
Numsen, William, & Sons (Inc.)	108, 212, 222
St. Louis Syrup & Preserving Co.	703
Williams Bros. Co. (Inc.)	551, 552, 553, 554
Preserves, Blackberry:	
St. Louis Syrup & Preserving Co.	701
Preserves, Loganberry:	
Long Syrup Refining Co.	415
Seattle & Puget Sound Packing Co.	509
Preserves, Peach:	
St. Louis Syrup & Preserving Co.	700
Preserves, Raspberry:	
Johnson, Thomas V. L.	581
Logan, Hiram H.	581
Logan, Johnson & Co.	581
Prunes:	
Dowling, Albert	833
Northwest Fruit Association	833
Quince jam. (<i>See Jam, Quince.</i>)	
Raisins:	
Armsby, J. K., Co.	531, 596
Berg, John C.	146
Comly Flannigan & Co.	162
Connecticut Pie Co.	145
Doebereiner, M. J.	367
Ewald, John C.	162
Malaga Packing Co.	145
Paden, R. J. (or A. J.)	316
Rosenberg Bros. & Co.	531
Walker, W. B., & Sons.	596
Wells, Joseph	531
Raspberry extract. (<i>See Extract, Raspberry.</i>)	
Raspberry jelly. (<i>See Jelly, Raspberry.</i>)	
Reichs-Quellen Gesellschaft:	
Meisezahl, Charles	78
Meisezahl, Charles, Mfg. Co.	78
Meisezahl, John	78
Rice:	
Harris, S. H.	190
Rice meal:	
West Point Mill Co.	579
Rock Spring lithia water:	
Arlington Bottling Co.	94
Roquefort cheese. (<i>See Cheese, Roquefort.</i>)	
Rose extract. (<i>See Extract, Rose.</i>)	
Royal corn and oat feed:	
Beck Cereal Co.	809
Rusk, Holland:	
Schellings, Joseph	429
Rye flour:	
Hastings Milling Co.	131
Kern, J. B. A. & Sons.	69
Northern Milling Co.	354

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	N. J. No.	N. J. No.
Salad oil. (<i>See</i> Olive oil.)		
Salt:		
Inland Crystal Salt Co.	280	Sugar-glucose jelly. (<i>See</i> Jelly, Sugar-glucose.)
Powell-Sanders Co.	280	Sugarota horse, sheep, and dairy feeds:
Sardines:		North West Mills Co. 810
Bowers, B. O., Co.	282, 395	Sussus Wasser:
Northern Maine Packing Co.	490	Lindsay, John C., & Co. 375
Rosenstein Bros.	490	
Scotch oats:		Tea:
Quaker Oats Co.	620	New Orleans Import Co. 829
Sherry. (<i>See</i> Wine.)		Temperine, Laevison's:
Silver dragées. (<i>See</i> Dragées, Silver.)		Friedman, H. 834
Sirup:		Laevison, A. M., & Co. 834
Corn Products Refining Co.	458	
Farrell & Co.	110, 302	Tomato ketchup:
Gross, Kelly & Co.	302	Alart & McGuire. 599, 670
Marshalltown Syrup & Sugar Co.	469	Atlas Preserving Co. 833
Rigney & Co.	325	Brierre, Paul & Co. 599
Sirup, Cane:		Chance's, R. C., Sons. 763, 805, 821
Alabama-Georgia Syrup Co.	127	Cree, H. E. 604
Tolman, John A., & Co.	271	Diamond Mfg. Co. 474
Wilder, D. R., Mfg. Co.	106, 324	Dodson-Braun Mfg. Co., Inc. 732
Sirup, Cherry:		Jersey Packing Co. 781
Lima Fruit Juice Co. (Inc.)	372, 549	New Blue Grass Canning Co. 622
Sirup, Corn:		Pacific Vinegar & Pickle Works. 827
Bubb, George, & Sons.	100	Seattle & Puget Sound Packing Co. 827
Corn Products Refining Co.	100	Soper, A. C., & Co. 760, 761
Sirup, Corn and sorghum compound:		Squire-Dingee Co. 388
St. Louis Syrup and Preserving Co.	699	Swaine, F. G., & Son. 805
Sirup, Fruit:		Van Camp Packing Co. 111
National Sales Co.	328	Van Lill, S. J., Co. 79, 156
Shields, Victor E.	328	Weller, J., Co. 604
Shields, William H.	328	
Sirup, Maple:		Tomato paste:
Baker, W. L.	802	Kelty, Sam'l L. 801
Baker Preserving Co.	209	Roncoroni, Pietro, Co. 762, 767, 803
Charboneau, E. A., Co.	98	
Glaflke, W. B. Co.	591	Tomato pulp:
Gordon Syrup Co.	412	Hearn Co. 717
Israel, Chas., & Bros.	198	Norris, W. E., & Co. 744
Nathan, Jacob M.	793	Philadelphia Pickling Co. 744
Pacific Coast Syrup Co.	74, 99	Phillips Packing Co. 800
Rigney & Co.	384, 403	
Scanlon, H. Y.	47	Tomatoes:
Scudder Syrup Co.	33	Ayars, B. S., & Sons Co. 671
Scully, D. B., Syrup Co.	290	Ayars, C. B., Canning Co. 671
Sherman, Charles W.	603	Baker, C. W., & Sons. 555
Tolman, John A., & Co.	271	Boyle, John, Co. 309
Western Reserve Syrup Co.	47, 283, 376	Charles, R. G. 555
Wood, Daniel.	603	Dixon Canning Co. 518
Sorghum. (<i>See</i> Sirup, Corn.)		Henkel-Duke Mercantile Co. 97
Spaghetti:		Levin, Isador. 455
Nunziato, L., & Son.	493	Macklin, J. W. 251
(<i>See also</i> Macaroni, Noodles.)		Newburg Canning Co. 542
Sparkling Burgundy wine. (<i>See</i> Wine, Sparkling Burgundy.)		Pierson, J. J. 518
Stafolife:		Ridenour-Baker-Bragdon Co. 77
Lawrence & Hamilton Feed Co. (Ltd.)	104, 477	Riverdale Canning Co. 97
Stock feed. (<i>See</i> Feeds.)		Sears & Nichols Co. 85
Strawberry extract. (<i>See</i> Extract, Strawberry.)		Seeman Bros. 251
Strawberry jam. (<i>See</i> Jam, Strawberry.)		Syracuse Canning Co. 77
Surene dairy feed:		Wichita Wholesale Grocery Co. 542
American Milling Co.	432	Wilson, Dr. W. 542
Sugar:		
Corn Products Refining Co.	723	Towle's Log Cabin maple syrup:
850		Glaflke, W. B., Co. 591
		Tuckahoe lithia water:
		Tuckahoe Mineral Springs Co. 424
		Vanilla extract. (<i>See</i> Extract, Vanilla.)
		Vanilla flavoring powder. (<i>See</i> Flavoring powder, Vanilla.)
		Vanoleum:
		Corrizo Extract Co. 619

FOODS—Continued.

Vinegar:	N. J. No.		N. J. No.
Baltimore Mfg. Co.	61, 62, 394, 561	Water, Diamond distilled:	
Barrett & Barrett	289, 318, 690	Finley, F. H., & Sons	175
Board, Armstrong & Co.	311, 584	Water, Great Bear Spring:	
Braun, A., Mfg. Co.	195, 195 suppl.	Great Bear Spring Co.	41
Carroll, M. O., Grocery Co.	169	Water, Londonderry lithia:	
Chandler, B. T., & Son	653	Londonderry Lithia Spring Water Co.	822
Erdmann's, H., Sons	570	Water, Pluto Concentrated mineral:	
Gordon, Charles W.	679	French Lick Springs Hotel Co.	121
Gordon Vinegar Co.	189, 679	Water, Reichs-Quellen Gesellschaft:	
Gregory, O. L.	597	Meisezahl, Charles	78
Gregory, O. L., Vinegar Co.	286, 593	Meisezahl, Charles, Mfg. Co.	78
Gregory Wallace Vinegar Co.	616	Meisezahl, John	78
Harbauer-Marleau Co.	187, 274, 687, 720, 815	Water, Rock Spring lithia:	
Harrison, H. P., & Co	561	Arlington Bottling Co.	94
Hirsh, Charles L.	197	Water, Sussus Wasser:	
Hughes, R. M., & Co.	278	Lindsay, John C., & Co.	375
Illinoia Vinegar Mfg. Co.	23	Water, Tuckahoe lithia:	
Ingham Vinegar Co.	398	Tuckahoe Mineral Springs Co.	424
Jennings, Carl C.	844	Whhey product. (See Butter.)	
Jennings, S. W.	844	Whisky:	
Keller-Lorenz Co.	243	Davis & Atkins	361
Knadler & Lucas	169, 373	Gooderham & Worts	15
Leroux Cider & Vinegar Co.	168, 200, 621, 685	Hanns Distilling Co.	353
Mills Preserving Co.	199	Kohlmeyer, Jacobs & Hyamns Co. (Ltd.)	353
Mount Pickle Co.	678	Lanahan, William, & Sons	595
Oakland Vinegar & Pickle Co.	193, 232, 688	Louisiana Distillery Co. (Ltd.)	68
Oklahoma Supply Co.	23	Person's, C., Sons	15
Paxton & Gallagher Co.	626	Ross, Chas. H., & Co.	45, 350
Price & Lucas Cider & Vinegar Co.	73, 240	Thierman, H. A., & Co.	349
Pruising Bros.	304, 642		
Ritchie & Co.	373	Wine:	
Robinson Cider & Vinegar Co.	207	Dorn, John G.	83
Saunders', E. A., Sons Co.	62	Garguilo, P., & Co.	737
Southern Fruit Produce Co.	597	Schmidt, jr., A., & Bros. Wine Co.	83
Speilmann Bros. Co.	399, 626, 681	Sweet Valley Wine Co.	83
Spence-Nunnamaker Co.	61	Wine, Champagne:	
Steinhorst-Morrin Pickle Co.	645	Ripin, Benjamin	828
Union Vinegar Co.	844	Wine, Hochheimer:	
Waffles, Creme:		Empire State Wine Co.	711
De Boer & Dik	808	Wine, Port:	
Water, Basic lithia:		Independent Distilling Co.	824
Wood, Otis H.	59	Wine, Sparkling Burgundy:	
Water, California waters of life:		Ripin, Benjamin	828
Foster & Foster	830	Wine vinegar. (See Vinegar.)	
		Wintergreen extract. (See Extract, Wintergreen.)	

DRUGS AND MEDICINAL AGENTS.

	N. J. No.		N. J. No.
Aceton:		Asthma cure, Dr. B. W. Hair's:	
Wheeler, Horace N.	233	Cochran, Margaretta R.	837
Anadol:		Cochran, Robert H.	837
Wheeler, C. G.	795	Hair, Dr. B. W.	837
Wheeler Chemical Works	795	McClelland, Westanna	837
Analgine tablets:		Az-ma-syde:	
Analgine Tablet Co.	276	Asthma Remedy & Mfg. Co.	727
Burns, George W.	276	Doble, Arthur H.	727
Aniseed sirup, Gauvin's:		Balmwort, compound fluid:	
Gauvin, J. A.	773	Prescription Products Co.	697
Antimalarico, Ferro-China:		Beaver and oil compound:	
Saunig, A., & Co.	745	Spiegel, Morris	239
Asafoetida:		Belladonna root:	
Bruen, Ritchey & Co.	583	Hopkins, J. L., & Co.	754
Ritchey, William P.	583	Bitters:	
Thompson, F. A., & Co.	157	Imperial Distilling & Cordial Co.	483

DRUGS AND MEDICINAL AGENTS—Continued.

	N. J. No.		N. J. No.
(Bitters) Antimalarico, Ferro-China:			
Saunig, A., & Co.....	745	Cloves—Amboyna, Powdered:	
Bitters, cocainized pepsin cinchona:		Hopkins, J. L., & Co.....	754
Davis, R. W., Drug Co.....	735	Coca cream:	
Miller, J. F.....	735	American Beverage Co (Inc.).....	741, 742
Bitters (Fernet-Branca):		Cocain:	
Dunno, F.....	726	Crescelius, Charles.....	646
Gandolfi, L., & Co.....	726, 839	Cocain hydrochlorid:	
Imperial Distilling Cordial Co. (Inc.).....	839	Abell, J. Roach.....	10
Bitters (Fernet Milan):		Cocainized pepsin cinchona bitters:	
Saunig, A., & Co.....	743	Davis, R. W., Drug Co.....	735
Blackberry cordial, H. F. L. Hamilton:		Miller, J. F.....	735
Shufeldt, Henry A., & Co.....	612	Cod liver oil, Elixir of:	
Blackburn's cascara, etc.:		Ingram, Frederick F., & Co.....	598
Blackburn, Robert.....	32	Cod liver oil compound:	
Victor Remedy Co.....	32	St. Johns, H. W., Co.....	303
Brant's soothing balm:		Waterbury Chemical Co.....	303
Brant, J. W., Co. (Ltd.).....	777	Coke extract:	
Break-up-the-grip tablets:		Kumfort Co.....	309
Langham, John D.....	707	Pilsbury, A. L., jr.....	236
Bromo febrin:		Scott, J. A.....	309
Smau, William H.....	182	Cola queen:	
Brunner's greaseless peroxide cream:		Warner-Jenkinson Co. (Inc.).....	785
Barrett, Fred T.....	840	Cola syrup:	
Brunner, John.....	840	Mound City Extract Co. (Inc.).....	731
Peroxide Specialty Co.....	840	Cold and gripe tablets:	
Buchu gin. (<i>See</i> Gin, Buchu.)		Tinsman, J. F.....	769
Burwell's Instantaneous Headache Cachets:		Waldron Drug Stores.....	769
Lowe, Willis H., Co.....	820	Colocynth, Powdered:	
Cactico hair grower:		Gilpin, Langdon & Co. (Inc.).....	183
Graham, Mrs. Gervaise.....	715	Huber & Fuhrman Drug Mills.....	192
Cadomene concentrated compound, tincture:		McIlvaine Bros.....	390
Prescription Products Co.....	697	Murray & Nickell Mfg. Co.....	292
Cafe-Coca compound:		Cordial. (<i>See</i> Blackberry cordial.)	
Athens Bottling Works.....	235	Cough cure, Kickapoo:	
Bowden, C. C.....	235	Kickapoo Indian Medicine Co.....	826
Bowden, F. H.....	235	Cuforhedake Brane-fude, Harper's:	
Camphor:		Harper, Robert N.....	25
Arthur Chemical Co.....	221	Damiana extract:	
Dow & Snell Co. (Inc.).....	550	Stearns, Frederick, & Co.....	345
Cancer, Johnson's mild combination treatment for:		Damiana gin. (<i>See</i> Gin, Damiana.)	
Johnson, O. A.....	266	Damiana Royal Brand Celebrated nerve invigorator:	
Cancer and scrofula cure, Mixer's:		Steinhardt Bros. & Co.....	501
Mixer, Charles W.....	797	Danderine:	
Cancer cure:		Knowlton Danderine Co.....	284
Curry, Dr., Cancer Cure Co.....	507	Dandruff cure, Mrs. Graham's:	
Miller, A. J.....	635	Graham, Mrs. Gervaise.....	454
Cancerine:		Drug-habit cure:	
Wilson, C. Henry.....	427	Starnes, W. A.....	694
Cancerol:		Tucker, W. J.....	693
Leach, Leon T.....	606	Eames' Tonic headache wafers:	
Cardiol, Compound essence of:		Celery Cracker Medicine Co.....	449
Prescription Products Co.....	697	Eau Sublime hair coloring:	
Cascara, Blackburn's etc.:		Guilmard, Hippolyte.....	434
Blackburn, Robert.....	32	Epp-o-tone:	
Victory Remedy Co.....	32	La Cottel Mfg. Co.....	433
Catarrh, Remedy for hay fever and:		Eyelin:	
Ryno, E. H.....	323	Eyelin Co.....	181
Catarrh tablets, Stuart's:		Fahrney's, Dr., teething sirup:	
Stuart, F. A., Co.....	718	Fahrney, D., & Son.....	144
Celery Cola:		Failing's headache powder:	
Altman, J. W.....	326	Failing-Nellis Drug Co.....	624
Birmingham Celery Cola Co.....	326	Falck's One-Minute headache cure:	
Bradley, J. G.....	326	Carslake, Will H.....	418
Hawkins, J. F.....	326	Falck, John A., Co.....	418

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	N. J. No.		N. J. No.
Febrisol, Tilden's:		Headache cure, Dr. Kohler's Antidote:	
Tilden Co.....	780	Kohler Mfg. Co.....	329
Flag salt:		Headache cure, O. K.:	
Flag Salt Remedy Co	495	Houston Drug Co.....	208
“Funny-how-quick” headache and neuralgia		Headache cure, Dr. Parker's Universal:	
cure:		Plank, W. R., Drug Co.....	191
Funny-how-quick Co.....	568	Headache cure, Ramon's Pepsin:	
Harriman, J. Maro, Drug Co.....	568	Brown, Henry R.....	465
Gauvin's aniseed syrup:		Brown Mfg. Co.....	465
Gauvin, J. A.....	773	Headache cure, Sherman's:	
Geneva gin. (<i>See</i> Gin, Geneva.)		Woodward, Orator F.....	709
Gentian root, Powdered:		Headache cure, Stanley's Instant:	
Hopkins, J. L., & Co.....	754	Pierson, Stanley K.....	708
German siedlitz salts:		Headache cure, Wells' Dime:	
American Granule & Tablet Co.....	843	Wells Medicine Co.....	630
Gin, Buchu:		Headache powder, Failing's:	
Baird-Daniels Co.....	134	Failing-Nellis Drug Co.....	624
Beitzel, A. E.....	134	Headache powders:	
Bouvier, Dr. C., Specialty Co.....	160	Gearan, J. F.....	569
Gin, Damiana:		Headache powders, Dr. Peters':	
Kaufman, Henry F.....	245	Delaware Drug Co.....	643
Gin, Geneva:		Headache powders, Sure Pop:	
Blum, A., Jr.'s Sons (Inc.).....	770, 771	Sure Pop Co.....	633
Gin-Seng-Gin:		Headache powders, U-re-ka:	
Gin-Seng-Gin Co.....	327	Perlitch Pharmacy.....	260
Shields, Victor E.....	327	Headache remedy, Mrs. Summers' Harmless:	
Shields, William H.....	327	Summers, Gabriel R.....	631
Ginger ale:		Vanderhoof & Co.....	631
American Beverage Co. (Inc.).....	741	Headache tablets, Howe's:	
Gowan's pneumonia cure:		Howe Medicine Co.....	573
Gowan Medical Co.....	180	Headache tablets, Huthwelker's:	
Graham's, Mrs., dandruff cure:		Huthwelker, Adam C.....	225
Graham, Mrs. Gervaise.....	454	Headache tablets, Telephone:	
Grip, Break-up-the-, tablets:		Horn, Charles W.....	392
Langham, John D.....	707	Headache wafers, Eames' Tonic:	
Gripe tablets, Cold and:		Celery Cracker Medicine Co.....	449
Tinsman, J. F.....	769	Headache wafers, Rexall:	
Waldron Drug Stores.....	769	United Drug Co.....	559
Hair coloring, Eau Sublime:		Headache powders, Knox's:	
Guilmard, Hippolyte.....	434	Pullen-Richardson Chemical Co.....	428
Hair grower, Lactic:		Hed-ake, Preston's:	
Graham, Mrs. Gervaise.....	715	Parker-Blake Co. (Ltd.).....	258
Hair tonic, La Tosca:		Henbane, Powdered:	
Lombardo, J. L.....	319	Hopkins, J. L., & Co.....	754
Hair's, Dr. B. W., asthma cure:		Hodnett's Gem soothing syrup:	
Cochran, Margaretta R.....	837	Hodnett, Alfred T. G.....	401
Cochran, Robert H.....	837	Howe's headache tablets:	
Hair, Dr. B. W.....	837	Howe Medicine Co.....	573
McClelland, Westanna.....	837	Huthwelker's headache tablets:	
Hamilton, H. F. L., blackberry cordial:		Huthwelker, Adam C.....	225
Shufeldt, Henry H., & Co.....	612	Hydrogen peroxid:	
Harper's Cuforhedaake Brane-fude:		Bene, John.....	575
Harper, Robert N.....	25	Eimer & Amend.....	216
Hay fever and catarrh, Remedy for:		James, John W.....	575
Ryno, E. H.....	323	Towns & James.....	575
Headache and neuralgia cure, “Funny-how-		Johnson's, Dr., mild combination treatment	
quick”:		for cancer:	
Funny-how-quick Co.....	568	Johnson, O. A.....	206
Harriman, J. Maro, Drug Co.....	568	Kickapoo cough cure:	
Headache cachets, Burwell's Instantaneous:		Kickapoo Indian Medicine Co.....	826
Lowe, Willis H., Co.....	820	Kinne's Sure headache cure:	
Headache cure, Falck's One-Minute:		Kinne Medicine Co.....	346
Carslake, Will H.....	418	Knox's Head-ake powders:	
Falck, John A., Co.....	418	Pullen-Richardson Chemical Co.....	428
Headache cure, Kinne's:		Koca Nola:	
Kinne Medicine Co.....	346	Koca Nola Co.....	202

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Kohler's, Dr., Antidote:	N. J. No.	Radam's microbe killer:	N. J. No.
Kohler Mfg. Co.....	329	Radam's Microbe Killer Co.....	623
Kola:		Swift, Dean, Co.....	205
Warner-Jenkinson Co.....	784		
Kola-Ade:		Radol:	
Kola-Ade Co.....	310	Dupuis, Dennis Rupert.....	184
Kos-Kola:		Ramon's Pepsin headache cure:	
Sethness Co.....	296	Brown, Henry R.....	465
Kurakoff:		Brown Mfg. Co.....	465
Lewis, Charles A.....	750	Rexall headache wafers:	
Lambert's Wine of Coca:		United Drug Co.....	559
Lambert, Benjamin L.....	204	Rock candy drips and whisky:	
La Tosca hair tonic:		Rosenthal, H., & Son.....	467
Lombardo, J. L.....	319	Rococola:	
Laudanum:		Lehman-Rosenfeld Co.....	466
National Spice Co.....	459	Saltpetre:	
Reakirt Drug Co.....	333	Sonneborn, L., Sons (Inc.).....	86
Wampole, Henry S., & Co.....	226	Sartoin skin food:	
Lopez Specific Special Compound:		Foose, A. P.....	16
Lopez Remedy Co.....	816	Globe Pharmaceutical Co.....	16
Riggs, John A.....	816	Pilkinton, William E.....	16
Make-Man tablets:		Mixer, Charles W.....	797
Affleck, Philip G.....	201	Seidlitz salts, German:	
Man-Make Tablet Co.....	201, 294	American Granule & Tablet Co.....	843
Microbe killer, Radam's:		Sherman's headache cure:	
Radam's Microbe Killer Co.....	623	Woodward, Orator F.....	709
Swift, Dean, Co.....	205	Skin food, Epp-o-tone:	
Mixer's cancer and scrofula cure:		La Cottel Mfg. Co.....	433
Mixer, Charles W.....	797	Skin food, Sartoin:	
Mother's Friend:		Foose, A. P.....	16
Bradfield Regulator Co.....	203, 366, 636	Globe Pharmaceutical Co.....	16
Muco-Solvent:		Pilkinton, William E.....	16
Gatlin Drug Co.....	54	Skin food, Mme. Yale's, etc.:	
Muco-Solvent Co.....	54	Kahn, S., & Sons Co.....	82
Nerve invigorator, Damiana Royal Brand Celebrated:		Wilson, Maude Yale Bishop.....	82
Steinhardt Bros. & Co.....	501	Soemnoform:	
Neuralgia cure, "Funny-how-quick" headache and:		De Trey, E., & Sons.....	571
Funny-how-quick Co.....	508	Frantz, Jacob F.....	571
Harriman, J. Maro, Drug Co.....	508	Osborne, Dean C.....	571
O. K. headache cure:		Sheppard, John R.....	571
Houston Drug Co.....	208	Whiteley, George H.....	571
Parker's, Dr., Universal headache cure:		Soothing balm, Brant's:	
Plank, W. R., Drug Co.....	191	Brant, J. W., Co. (Ltd.).....	777
Pepsette:		Soothing syrup, Hodnett's Gem:	
American Beverage Co. (Inc.).....	742	Hodnett, Alfred T. G.....	401
Peroxid of hydrogen. (<i>See</i> Hydrogen peroxid.)		Sporty Days Invigorator:	
Peroxide cream, Brunner's Greaseless:		Simon, J., & Sons.....	426, 791
Barnett, Fred T.....	540	Sporty Days Invigorator Co.....	791
Brunner, John.....	540	Stanley's Instant headache cure:	
Peroxide Specialty Co.....	540	Pierson, Stanley K.....	708
Peter's, Dr., headache powders:		Stuart's Adhesive plaster pad:	
Delaware Drug Co.....	643	Stuart, F. J.....	496
Pine, Concentrated oil of:		Stuart's catarrh tablets:	
Foose, A. P.....	30	Stuart, F. A., Co.....	718
Globe Pharmaceutical Co.....	30	Sulphur, Liquid:	
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